

JAMES D. NEALON - 08/14/2018

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO

- - - - - x
CRISTA RAMOS, et al., :
Plaintiffs, : Case No.
v. : 3:18-cv-1554-EMC
KIRSTJEN NIELSEN, et al., :
Defendants. :
- - - - - x

VIDEOTAPED DEPOSITION OF JAMES D. NEALON
Tuesday, August 14, 2018
Boston, Massachusetts

Job No.: LA-187775
Pages 1 - 276
Reported By: Dana Welch, CSR, RPR, CRR

JAMES D. NEALON - 08/14/2018

Page 2

1

2

3

August 14, 2018

4

9:04 a.m.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

Videotaped Deposition of JAMES NEALON held
at the law offices of SIDLEY AUSTIN, LLP, 60 State
Street, 36th Floor, Boston, Massachusetts 02109,
Pursuant to Notice, before Dana Welch,
Certified Shorthand Reporter, Registered Professional
Reporter, Certified Realtime Reporter, and Notary
Public in and for the Commonwealth of Massachusetts.

1 A P P E A R A N C E S

2 ON BEHALF OF PLAINTIFFS:

3 EMILOU MacLEAN, ESQUIRE

4 NATIONAL DAY LABORER ORGANIZING NETWORK

5 674 South La Fayette Park Place

6 Los Angeles, California 90057

7 (929) 375-1575

8 emi@ndlon.org

9 AND

10 JESSICA FISHFELD, ESQUIRE

11 SIDLEY AUSTIN, LLP

12 One South Dearborn

13 Chicago, Illinois 60603

14 (312) 853-7000

15 jfishfeld@sidley.com

16

17

18

19

20

21

22

23

24

25

1 A P P E A R A N C E S C O N T I N U E D

2 O N B E H A L F O F D E F E N D A N T S :

3 A D A M K I R S C H N E R , E S Q U I R E

4 K E V I N S N E L L , E S Q U I R E

5 U . S . D E P A R T M E N T O F J U S T I C E

6 C I V I L D I V I S I O N

7 F E D E R A L P R O G R A M S B R A N C H

8 20 Massachusetts Avenue, Northwest

9 Washington, D.C. 20530

10 (202) 305-0924

11 kevin.snell@usdoj.gov

12 adam.kirschner@usdoj.gov

13

14 A L S O O N B E H A L F O F D E F E N D A N T S :

15 T A H A N I A F A N E H , E S Q U I R E

16 U . S . D E P A R T M E N T O F H O M E L A N D S E C U R I T Y

17 3801 Nebraska Avenue, Northwest

18 Washington, D.C. 20016

19 (202) 875-2543

20 tahani.afaneh@hq.dhs.gov

21

22 A l s o p r e s e n t :

23 B o b G i a n n i n i , V i d e o g r a p h e r

24

25

1 I N D E X

2 WITNESS:

3 JAMES D. NEALON

4

5 EXAMINATION:

PAGE:

6 BY MS. MacLEAN

11

7 EXHIBITS MARKED:

8 NO. DESCRIPTION

PAGE:

9 Exhibit 29, Amended Notice of subpoena to 20

10 Testify to James D. Nealon

11 Exhibit 30, DHS-001-659-000630 - 631 58

12 Exhibit 31, E-mail dated Thursday, May 18, 64

13 2017, 2:45 p.m. from Kathy Kovarik

14 Exhibit 32, DHS-001-659-000035 - 77 82

15 Exhibit 33, DHS-001-659-000459 - 460 86

16 Exhibit 34, E-mail dated Monday, May 14, 134

17 2018, 3:55 p.m.

18 Exhibit 35, NewsRoom article, 5/8/18 152

19 Washington Post

20 Exhibit 36, E-mail dated Saturday, July 8, 180

21 2017 from Kovarik, Subject Letter to

22 Secretary of State about TPS

23 Exhibit 37, DHS-001-659-000607 - 609 182

24 Exhibit 38, AR-HAITI-00000001 - 3 184

25

1 INDEX (CONT'D)

2 EXHIBITS MARKED:

3	NO.	DESCRIPTION	PAGE
4	Exhibit 39,	DHS-001-659-000689 - 691	188
5	Exhibit 40,	DHS_RFPD_00000040	206
6	Exhibit 41,	NewsRoom article dated May 10,	209
7	2018		
8	Exhibit 42,	DHS_RFPD_00000953 - 954	228
9	Exhibit 43,	DHS-RFPD-00000986	231
10	Exhibit 44,	USCIS_RFPD_00000055 - 58	233
11	Exhibit 45,	E-mail from Briana Petyo to	235
12	Kelbi Culwell,	10/10/17	
13	Exhibit 46,	DHS-001-000515 - 521	240
14	Exhibit 47,	E-mail dated July 14, 2017	243
15	from James McCament to Tracy Renaud		
16	Exhibit 48,	DHS-001-659-000660 - 662	251
17	Exhibit 49,	AR-SUDAN-00000028 - 39	251
18	Exhibit 50,	DHS_RFPD_00001071	256
19	Exhibit 51,	The Washington Post article	261
20	"White House chief of staff tried to		
21	pressure....,		
22	Exhibit 52,	DHS-001-659-000856 - 860	264
23			
24			
25	--- index continues ---		

1 INDEX (CONT'D)

2 EXHIBITS PREVIOUSLY MARKED:

3	Exhibit 6, FOIA-2-DHS-001-659-000614 - 614	186
4	Exhibit 7, DHS_RFPD_00001250 - 1253	253
5	Exhibit 12, DHS_RFPD_00000010 - 12	193
6	Exhibit 14, DHS-001-659-000087	171
7	Exhibit 18, E-mail from Kathy Kovarik	66
8	dated November 3, 2017, 2:45:16 p.m.	
9	Exhibit 25, DHS_RFPD_00001322 - 1324	257
10	Exhibit 28, E-mail dated 10/16/17 from	259
11	Kovarik to Cissna	

12

13 NOTATIONS:

14	Election to read and sign	15
15	Instruction not to answer	45
16	Instruction not to answer	46
17	Instruction not to answer	90
18	Instruction not to answer	111
19	Instruction not to answer	113
20	Instruction not to answer	114
21	Instruction not to answer	121
22	Instruction not to answer	124
23	Instruction not to answer	125
24	Instruction not to answer	129

25

1	INDEX (CONT'D)	
2	NOTATIONS:	
3	Instruction not to answer	134
4	Instruction not to answer	138
5	Instruction not to answer	138
6	Instruction not to answer	139
7	Instruction not to answer	142
8	Instruction not to answer	142
9	Instruction not to answer	144
10	Instruction not to answer	146
11	Instruction not to answer	154
12	Instruction not to answer	154
13	Instruction not to answer	155
14	Instruction not to answer	156
15	Instruction not to answer	157
16	Instruction not to answer	158
17	Instruction not to answer	159
18	Instruction not to answer	160
19	Instruction not to answer	161
20	Instruction not to answer	162
21	Instruction not to answer	164
22	Instruction not to answer	166
23	Instruction not to answer	168
24	Instruction not to answer	174
25		

1 INDEX (CONT'D)

2 NOTATIONS:

3 Instruction not to answer 175

4 Instruction not to answer 175

5 Instruction not to answer 188

6 Instruction not to answer 201

7 Instruction not to answer 201

8 Instruction not to answer 221

9 Instruction not to answer 223

10 Instruction not to answer 226

11 Instruction not to answer 242

12 Instruction not to answer 243

13 Instruction not to answer 262

14 Instruction not to answer 270

15 Instruction not to answer 271

16 Note to counsel re redaction 229

17 Note to counsel re redaction 232

18

19

20 Exhibits retained by reporter for attachment to
21 transcript.

22

23

24

25

JAMES D. NEALON - 08/14/2018

Page 10

1 P R O C E E D I N G S

08:35:08

2 THE VIDEOGRAPHER: Good morning. We are
3 on the record. This is the video operator
4 speaking, Bob Giannini, with court reporter, Dana
5 Welch, with Epic Court Reporting. Today's date is
6 August 14th, 2018, and the time is 9:04 a.m. We
7 are here at the offices of Sidley Austin LLP
8 located at 60 State Street, Boston, Massachusetts
9 to take the videotaped deposition of James Nealon
10 in the matter of Crista Ramos, et al., versus
11 Kirstjen Nielsen, et al., Case Number
12 3:18-CV-1554-EMC.

09:04:32

09:04:34

09:04:36

09:04:40

09:04:43

09:04:48

09:04:52

09:04:55

09:05:00

09:05:05

09:05:12

13 Will counsel please state their appearance
14 for the record.

09:05:13

09:05:17

15 MS. MacLEAN: Emilou MacLean for the
16 plaintiff.

09:05:18

09:05:21

17 MS. FISHFELD: Jessica Fishfeld for the
18 plaintiff.

09:05:21

09:05:24

19 MR. KIRSCHNER: Adam Kirschner for the
20 defendant.

09:05:24

09:05:27

21 MR. SNELL: Kevin Snell for the defendant.

09:05:27

22 MS. AFANEH: Tahani Afaneh for the
23 defendant.

09:05:27

09:05:28

24 THE VIDEOGRAPHER: Okay. Will the court
25 reporter please swear in the witness.

09:05:28

09:05:30

JAMES D. NEALON - 08/14/2018

Page 11

1	JAMES D. NEALON,	09:05:39
2	having been first duly sworn on oath,	09:05:39
3	was examined and testified as follows:	09:05:39
4	EXAMINATION	09:05:39
5	BY MS. MacLEAN:	09:05:40
6	Q. Ambassador Nealon, could you please state	09:05:41
7	your name and spell it for the record.	09:05:45
8	A. Sure. My name is James D. Nealon. The	09:05:46
9	last name is N-e-a-l-o-n.	09:05:50
10	Q. Is it all right if I address you as	09:05:50
11	Ambassador Nealon?	09:05:53
12	A. You can call me James or Ambassador,	09:05:55
13	whatever you want to call me.	09:05:58
14	Q. Thank you.	09:05:59
15	Have you ever been deposed before,	09:06:00
16	Ambassador Nealon?	09:06:01
17	A. I have.	09:06:02
18	Q. When were you deposed previously?	09:06:02
19	A. I was previously deposed in a DACA case	09:06:04
20	sometime in the last nine months or so. I don't	09:06:07
21	recall the specific date.	09:06:09
22	Q. Had you been deposed before that?	09:06:10
23	A. I had not.	09:06:12
24	Q. So although you've done this before, and	09:06:13
25	fairly recently, I'm just going to go through some	09:06:13

1 basic ground rules. Although this deposition is 09:06:13
2 being held in the informality of this office, 09:06:25
3 you're under oath and your testimony here today 09:06:27
4 will have the same force and effect and be subject 09:06:28
5 to the same penalties as if you were testifying in 09:06:30
6 a courtroom before a judge. 09:06:33

7 Do you understand that? 09:06:35

8 A. I do. 09:06:36

9 Q. The court reporter has the authority to 09:06:36
10 give you the oath, and the oath is an oath to tell 09:06:38
11 the truth, the whole truth, and nothing but the 09:06:40
12 truth. 09:06:45

13 Do you understand that? 09:06:45

14 A. I do. 09:06:45

15 Q. I'm going to be asking you some questions, 09:06:45
16 and you'll obviously be answering those questions. 09:06:46
17 Listen to the questions carefully. If you don't 09:06:49
18 understand the question, please let me know and I 09:06:52
19 will be happy to rephrase the question. If you 09:06:54
20 answer the question, I'm going to assume that you 09:06:56
21 understand what the question is. 09:06:58

22 Do you understand that? 09:07:00

23 A. I do. 09:07:00

24 Q. Both my questions and your answers will be 09:07:01
25 taken down by the court reporter; therefore, it's 09:07:04

1 important to verbalize your answers. So we have a 09:07:07
2 tendency sometimes to say um-hum or huh-uh, and so 09:07:10
3 if you do that or nod your head, I may ask you to 09:07:13
4 verbalize what you're saying. 09:07:17

5 Do you understand that? 09:07:19

6 A. I do. 09:07:20

7 Q. If I -- it's necessary in a deposition 09:07:20
8 that only one person is speaking at a time because 09:07:26
9 otherwise, it's very difficult for the court 09:07:30
10 reporter. So I'll try to wait until you've 09:07:32
11 finished answering a question in order to ask 09:07:35
12 another question, and I would appreciate if you 09:07:38
13 would also do the same. 09:07:41

14 And your lawyer may be making objections. 09:07:43
15 Although you are still required to answer the 09:07:48
16 question unless your lawyer specifically instructs 09:07:51
17 you to do otherwise, you obviously still have the 09:07:55
18 authority to determine whether you're going to 09:07:57
19 answer a question or not, but a typical objection 09:07:59
20 does not suggest that you should not answer the 09:08:03
21 question. 09:08:05

22 Do you understand that? 09:08:06

23 A. Not completely. 09:08:06

24 Q. So your lawyer may say "objection" and 09:08:08
25 state some grounds for an objection. You still 09:08:11

1 should answer the question in those cases. And you 09:08:14
2 can clarify if needed. But if there's a question 09:08:18
3 that your lawyer identifies would be protected by 09:08:21
4 privilege, your lawyer may say "I instruct you not 09:08:25
5 to answer this question," which is a different kind 09:08:29
6 of objection. 09:08:30

7 Does that make sense? 09:08:31

8 A. Some sense. 09:08:33

9 Q. So essentially, if there is an objection 09:08:34
10 that would allow you to be protected from answering 09:08:38
11 a question, he will specifically identify that, and 09:08:47
12 otherwise, he'll make the objection so that there 09:08:49
13 is an objection that is on the record for later on, 09:08:51
14 but it doesn't -- it doesn't allow you to avoid 09:08:55
15 answering the question, if that makes sense, a 09:09:00
16 little bit more sense. 09:09:02

17 A. Thank you. 09:09:03

18 MR. KIRSCHNER: Just to clarify for the 09:09:05
19 record, just to not give Ambassador Nealon a 09:09:06
20 misimpression, you're always welcome to ask for 09:09:11
21 clarification from the questioner and so it's 09:09:16
22 not -- so I just want to make it clear that I can 09:09:22
23 object and I can instruct you not to answer, and if 09:09:25
24 I make an objection that's not instructing you not 09:09:28
25 to answer, it doesn't mean that you're not free 09:09:30

JAMES D. NEALON - 08/14/2018

Page 15

1 then to ask for clarification from the counsel. 09:09:32

2 THE WITNESS: Thank you. 09:09:35

3 Q. Yes. And that's very welcome, too. If 09:09:36

4 you don't understand a question, please do ask for 09:09:39

5 a clarification. 09:09:41

6 A. Okay. 09:09:42

7 Q. Also if at any point after you've answered 09:09:44

8 a question or provided information, you would like 09:09:46

9 to provide any additional information or 09:09:48

10 clarification for a prior question, including after 09:09:50

11 a break, you should feel free to do so and just let 09:09:53

12 me know. 09:09:56

13 A. Okay. 09:09:56

14 Q. When the deposition is finished, all of 09:09:58

15 the questions and all of your answers will be typed 09:10:00

16 up into a transcript of the deposition. It will be 09:10:02

17 made available for you to read, review, and 09:10:06

18 ultimately sign. 09:10:09

19 If you need a break for any reason, and we 09:10:11

20 will all need breaks over the course of the day, 09:10:14

21 please let me know. The only time I might hold off 09:10:17

22 on a break is if there's a question that's pending, 09:10:21

23 but, otherwise, definitely this is a marathon, not 09:10:24

24 a sprint, so we'll have time for some breaks. 09:10:26

25 Do you understand everything that I've 09:10:30

1	explained so far?	09:10:31
2	A. I do.	09:10:32
3	Q. Do you have any questions?	09:10:33
4	A. I don't.	09:10:33
5	Q. Is there any reason why you're unable to	09:10:34
6	provide truthful testimony today?	09:10:37
7	A. There isn't.	09:10:38
8	Q. Have you taken any medication in the last	09:10:39
9	24 hours that would prevent you from giving your	09:10:42
10	best and most truthful testimony?	09:10:44
11	A. I have not.	09:10:46
12	Q. Have you had any alcohol in the last	09:10:47
13	24 hours that would prevent you from giving your	09:10:49
14	best and most truthful information today?	09:10:51
15	A. No.	09:10:53
16	Q. Okay. Do you understand that your	09:10:54
17	deposition is connected to the Ramos versus Nielsen	09:10:56
18	lawsuit?	09:11:04
19	A. I do.	09:11:04
20	Q. Before today's deposition, were you aware	09:11:05
21	of the lawsuit?	09:11:07
22	A. Before today?	09:11:08
23	Q. Before today, yes.	09:11:11
24	A. I became aware of the lawsuit when I got	09:11:12
25	the subpoena.	09:11:14

1 Q. And you had not been aware of the lawsuit
2 prior -- in advance of that?

09:11:14

09:11:18

3 A. I knew that there were lawsuits pending,
4 but I wasn't aware of this specific lawsuit, no.

09:11:18

09:11:19

5 Q. Okay. What did you know about the
6 lawsuits that were pending?

09:11:22

09:11:24

7 A. Just that there were lawsuits being
8 brought against the Department of Homeland Security
9 over TPS, that's all I knew.

09:11:25

09:11:27

09:11:29

10 Q. And do you have more information now about
11 the Ramos versus Nielsen lawsuit?

09:11:31

09:11:33

12 A. No, not really.

09:11:36

13 Q. So do you know the grounds on which the
14 challenge to the TPS terminations is based on the
15 lawsuit?

09:11:40

09:11:44

09:11:47

16 A. I read the subpoena.

09:11:48

17 Q. Aside from your attorney, have you talked
18 to anyone else about these lawsuits?

09:11:49

09:11:51

19 A. I have not.

09:11:52

20 Q. Have you done anything to prepare for the
21 deposition today?

09:12:00

09:12:02

22 A. I met with these attorneys yesterday.

09:12:03

23 Q. How long did you spend speaking with the
24 attorneys?

09:12:04

09:12:06

25 A. I believe we were together about four

09:12:06

1 hours.

09:12:08

2 Q. Have you reviewed any documents in
3 preparation for the testimony today?

09:12:08

09:12:16

4 A. We did.

09:12:13

5 Q. What were the documents that you reviewed?

09:12:13

6 A. If I recall correctly, there were -- there
7 was a letter from Deputy Secretary of State

09:12:14

09:12:19

8 Sullivan about TPS for Sudan. There was a letter

09:12:22

9 from Secretary Tillerson to DHS regarding TPS for

09:12:28

10 Central American countries and Haiti. I reviewed a

09:12:35

11 memo that I wrote to Acting Secretary Duke at her

09:12:41

12 request about -- regarding TPS. And I believe I

09:12:46

13 reviewed country conditions, the country conditions

09:12:55

14 memos for Central American countries.

09:12:57

15 Q. The country conditions memos that you

09:13:00

16 reviewed, were they the RAIIO country conditions

09:13:03

17 memos?

09:13:05

18 A. I'm not sure what RAIIO means.

09:13:05

19 Q. So RAIIO is the research arm that produces

09:13:07

20 the TPS considerations reports; and then there's a

09:13:10

21 TPS decision memo that's produced by USCIS.

09:13:12

22 A. I reviewed -- I believe I reviewed the

09:13:18

23 country conditions memo from the Department of

09:13:21

24 State.

09:13:22

25 Q. Okay.

09:13:23

1 THE WITNESS: Is that correct? 09:13:24

2 MR. KIRSCHNER: Just to clarify, I think 09:13:27

3 he's referring to -- Ambassador Nealon is referring 09:13:29

4 to the State Department country condition 09:13:33

5 assessment. 09:13:34

6 THE WITNESS: Correct. 09:13:35

7 MR. KIRSCHNER: Of El Salvador, as opposed 09:13:37

8 to any RAIIO reports. 09:13:42

9 MS. MacLEAN: Thank you for the 09:13:47

10 clarification. 09:13:48

11 Q. Do you know if the letters that you 09:13:48

12 reviewed from Deputy -- the letter that you 09:13:50

13 reviewed from Deputy Secretary of State Sullivan 09:13:52

14 regarding Sudan was the final letter that was 09:13:55

15 submitted to DHS? 09:13:57

16 A. I -- I don't know if it was a final 09:14:01

17 letter. 09:14:02

18 Q. Okay. 09:14:03

19 MR. KIRSCHNER: I -- I will represent that 09:14:03

20 the documents he identified are part of the 09:14:04

21 administrative records in this case. 09:14:06

22 MS. MacLEAN: Is it -- and just to -- for 09:14:10

23 further clarification, is part of the 09:14:11

24 administrative record that has been produced in 09:14:14

25 full? 09:14:16

1 MR. KIRSCHNER: The documents that have 09:14:16
2 been produced to plaintiffs. 09:14:17

3 MS. MacLEAN: Okay. Thank you. 09:14:21

4 Q. Did you review any additional documents 09:14:27
5 aside from the documents that your attorney 09:14:30
6 provided you when you met yesterday? 09:14:32

7 A. No. 09:14:34

8 Q. Okay. Did you do anything else to refresh 09:14:34
9 your recollection about your experience at DHS? 09:14:36

10 A. No. 09:14:38

11 Q. Okay. Did you prepare any notes in 09:14:38
12 preparation for your deposition? 09:14:43

13 A. I did not. 09:14:45

14 Q. Okay. Would you like a -- take a -- 09:14:47

15 A. Keep going. 09:15:02

16 Q. Okay. Okay. 09:15:03

17 MS. MacLEAN: Can we get exhibit -- 09:15:03
18 exhibit tab 1, please. 09:15:05

19 Q. You reference -- 09:15:08

20 (Exhibit 29, Amended Notice of subpoena to 09:15:08
21 Testify to James D. Nealon, marked for 09:15:28
22 identification.) 09:15:28

23 MS. MacLEAN: Can we go off the record for 09:15:28
24 one moment, please. 09:15:30

25 THE VIDEOGRAPHER: Time is 9:15. We are 09:15:32

1 off the record.

09:15:34

2 (Proceedings interrupted at 9:15 a.m. and
3 reconvened at 9:17 a.m.)

09:15:35

09:15:35

4 THE VIDEOGRAPHER: Time is 9:17. We are
5 back on the record.

09:17:23

09:17:37

6 BY MS. MacLEAN:

09:17:38

7 Q. Ambassador Nealon, have you seen this
8 notice before?

09:17:39

09:17:41

9 A. This is the subpoena. Yes, I have seen
10 it.

09:17:42

09:17:44

11 Q. Great.

09:17:44

12 Can you tell me what your last
13 governmental position was?

09:17:44

09:17:46

14 A. My last government position was Assistant
15 Secretary of Homeland Security for International
16 Affairs, and I was simultaneously the Acting
17 Undersecretary for Policy.

09:17:47

09:17:53

09:17:56

09:18:00

18 Q. And when did you initially take that
19 position?

09:18:01

09:18:05

20 A. I took that job around July 10th of 2017.

09:18:05

21 Q. In that position, who did you report to?

09:18:13

22 A. I reported to the Secretary.

09:18:19

23 Q. And who -- how many people reported to
24 you?

09:18:26

09:18:33

25 A. About 150.

09:18:33

1 Q. How many of those people were in
2 Washington, D.C.?

09:18:35

09:18:40

3 A. All but about five.

09:18:41

4 Q. How many of those people were engaged in
5 issues related to Temporary Protected Status?

09:18:45

09:18:55

6 A. Difficult for me to say, but maybe 20.

09:18:59

7 Q. Can you describe what your job

09:19:06

8 responsibilities were generally in this last

09:19:11

9 governmental position as Assistant Secretary for

09:19:14

10 International Affairs and Undersecretary for

09:19:19

11 Policy, if you differentiate?

09:19:21

12 A. Sure.

09:19:22

13 So the day job as Assistant Secretary of

09:19:25

14 International Affairs, I was the international face

09:19:28

15 of the Department with our international partners,

09:19:30

16 so Canada, Mexico, and a host of other countries

09:19:34

17 with which DHS has a -- has a relationship.

09:19:36

18 Q. And would you distinguish that from the

09:19:39

19 Undersecretary for Policy position?

09:19:44

20 A. Yes. So had there been a Senate-confirmed

09:19:45

21 Undersecretary for Policy, I as the Assistant

09:19:53

22 Secretary for International Affairs would have

09:19:57

23 reported to that person.

09:19:57

24 Q. And so what responsibilities did you take

09:19:59

25 up as Acting Undersecretary for Policy, if that's

09:20:03

1 an accurate way to describe it, given there was 09:20:09
2 not a confirmed person in that position? 09:20:13

3 A. So the policy shop, as they call it at 09:20:13
4 DHS, is responsible for giving policy advice to the 09:20:16
5 Secretary on the whole range of issues which she 09:20:19
6 faces. 09:20:22

7 Q. And how would you describe -- based on how 09:20:22
8 you're describing them, I'm going to differentiate 09:20:28
9 those two positions. 09:20:31

10 How would you describe your three most 09:20:33
11 important job responsibilities for the 09:20:35
12 international affairs post? 09:20:36

13 A. For the international affairs post, I 09:20:37
14 would say probably the most important duties -- the 09:20:40
15 most important duty is the day-to-day maintenance 09:20:47
16 of good relations with important international 09:20:50
17 partners, countries like Canada and Mexico, for 09:20:52
18 example, with whom we have a shared border, and 09:20:57
19 obviously, a whole range of important bilateral 09:20:59
20 issues. That's probably the biggest 09:21:02
21 responsibility. 09:21:06

22 And then below that would be maintaining 09:21:06
23 relationships with other key partners, countries 09:21:08
24 like Great Britain, Australia, countries of the 09:21:12
25 European Union, countries with whom we share 09:21:17

1 information about travelers, for example, and 09:21:22
2 countries with which we have a very robust 09:21:26
3 bilateral cooperation. 09:21:29

4 Q. And for the policy position, what would 09:21:34
5 you describe as your most important job 09:21:36
6 responsibilities? 09:21:39

7 A. I would say the most important 09:21:39
8 responsibility was managing the professional staff 09:21:41
9 that did the legwork during the time I was there on 09:21:45
10 things like DACA, TPS, executive orders and so 09:21:51
11 forth. 09:21:58

12 Q. And you mentioned that there were 09:22:02
13 approximately 20 people who were involved in TPS. 09:22:04
14 You may not be able to name all of them, but can 09:22:07
15 you go through the people who you would consider 09:22:10
16 most involved in TPS determinations? 09:22:12

17 A. So you mean the people who worked for me? 09:22:14

18 Q. Who worked for you specifically. 09:22:17

19 A. So I would say that the key people would 09:22:18
20 be my Chief of Staff, as well as the people who 09:22:21
21 worked on geographical portfolios on the countries 09:22:32
22 with which we had TPS. So for example, our Central 09:22:39
23 American staff. 09:22:44

24 Q. And what is the name of your Chief of 09:22:44
25 Staff? 09:22:46

JAMES D. NEALON - 08/14/2018

Page 25

1 A. Her name is Briana Petyo, P-e-t-y-o.

09:22:46

2 Q. And who were the people who were
3 responsible for the relevant geographical
4 portfolios?

09:22:52

09:22:54

09:22:57

5 A. I am terrible with names. So I may have
6 to think at a break and come --

09:22:59

09:23:04

7 Q. That's okay. Why don't we come back to
8 that question.

09:23:06

09:23:08

9 A. Yeah.

09:23:09

10 Q. Who did you communicate with most often in
11 your role as Assistant Secretary for International
12 Affairs, generally?

09:23:09

09:23:15

09:23:20

13 A. Could you clarify that question, please?

09:23:20

14 Q. Yes. In that role, were you communicating
15 regularly with the Secretary, were you
16 communicating regularly with the State Department,
17 were you communicating mostly internally within
18 your own staff, with people in foreign embassies,
19 diplomats, who would you consider to be your most
20 common contacts?

09:23:24

09:23:27

09:23:30

09:23:33

09:23:36

09:23:41

09:23:41

21 A. So without the slightest hint of being
22 flippant, the answer is yes. In other words, I was
23 communicating with all of those people regularly
24 and that is the nature of that job.

09:23:41

09:23:45

09:23:48

09:23:50

25 So in that job, you are the Secretary's

09:23:53

1 primary advisor on international affairs, and as 09:23:56
2 such, you manage a staff that provides information, 09:24:00
3 and you also have to maintain relationships with 09:24:05
4 the State Department, other members of the 09:24:08
5 interagency, foreign embassies, and our own 09:24:13
6 embassies downrange. 09:24:17

7 Q. And how would you answer that question for 09:24:22
8 the policy position, who were the people or 09:24:23
9 entities that you were most often in contact with 09:24:26
10 for that position? 09:24:26

11 A. So for the policy job, that was more of an 09:24:26
12 internal U.S. government job than an external 09:24:32
13 outward-looking job. So I was most often in 09:24:36
14 contact with my own staff, with other elements of 09:24:40
15 DHS, with the Secretary and her staff, and then 09:24:45
16 other elements of the interagency. 09:24:49

17 Q. And when did you leave that position? 09:24:53

18 A. I believe it was late February of 2018. 09:24:55

19 Q. What led you to leave that position? 09:24:59

20 A. Um, I decided I had to leave. I was a 09:25:02
21 political appointee, and I was no longer a 09:25:13
22 professional career government official, and as a 09:25:16
23 political appointee, I believe very strongly that 09:25:21
24 if you can't support the whole range of policies 09:25:25
25 that you were appointed to support, then you are 09:25:31

1 obligated to leave, so I left.

09:25:34

2 Q. Are you currently employed for the
3 government or in any position?

09:25:36

09:25:38

4 A. I'm not.

09:25:40

5 Q. Okay. Can you step back from prior to
6 your DHS position, what was your immediately
7 preceding position prior to the DHS position?

09:25:40

09:25:53

09:25:57

8 A. So immediately before going to work for
9 DHS, I was Ambassador to Honduras.

09:25:59

09:26:04

10 Q. And what was the time period in which you
11 were Ambassador to Honduras?

09:26:07

09:26:09

12 A. I was Ambassador to Honduras from August
13 of 2014 to June of 2017.

09:26:12

09:26:15

14 Q. Did you have a break in between the period
15 when you ended your ambassadorship and when you
16 started your position at DHS?

09:26:19

09:26:24

09:26:27

17 A. I was retired for three weeks. It was
18 wonderful.

09:26:29

09:26:36

19 Q. Probably not quite long enough.

09:26:37

20 Who did you report to in your position as
21 Ambassador?

09:26:39

09:26:41

22 A. That's a good question. On paper, you
23 report to the President of the United States
24 through the Secretary of State. In fact, in
25 practice, ambassadors report to the Assistant

09:26:43

09:26:47

09:26:49

09:26:52

1 Secretary of State for the geographic bureau in
2 which their embassy sits.

09:26:58

09:27:02

3 So in my case, I was reporting to the
4 Assistant Secretary of State for Western Hemisphere
5 Affairs.

09:27:05

09:27:07

09:27:11

6 Q. And what would you describe as your main
7 job responsibilities as Ambassador?

09:27:11

09:27:13

8 A. So an Ambassador's job is to be the
9 President's personal representative in a country
10 and to manage all U.S. government personnel and
11 programs in that country.

09:27:17

09:27:21

09:27:23

09:27:26

12 Q. Did you engage at all in issues related to
13 Temporary Protected Status while you were
14 Ambassador to Honduras?

09:27:31

09:27:37

09:27:40

15 A. Yes.

09:27:41

16 Q. How did you engage in issues related to
17 Temporary Protected Status?

09:27:41

09:27:44

18 A. So this is not a high definition memory,
19 this is a lower definition memory, but I believe we
20 went through the process of when a country comes up
21 for renewal of Temporary Protected Status, the
22 State Department asks the U.S. embassy in that
23 country to weigh in and make a recommendation on
24 whether the embassy believes that the TPS should be
25 renewed or not.

09:27:46

09:27:59

09:28:02

09:28:04

09:28:10

09:28:12

09:28:15

09:28:18

1 Q. Approximately when in the course of 09:28:23
2 renewal process for TPS for an individual country 09:28:26
3 that has been designated would you as Ambassador be 09:28:30
4 asked to weigh in? 09:28:33

5 A. So as you know, the Secretary of Homeland 09:28:39
6 Security has to render decisions at least 60 days 09:28:41
7 before termination of TPS. So generally, embassies 09:28:44
8 would be asked in the months leading up to that 09:28:47
9 60-day window to weigh in and make a recommendation 09:28:51
10 so that that feeds into the State Department's 09:28:53
11 recommendation. 09:28:56

12 Q. Do you recall who in the State Department 09:28:57
13 would request that you weigh in when you were 09:29:01
14 Ambassador to Honduras? 09:29:04

15 A. So it would have been the Bureau of 09:29:05
16 Western Hemisphere Affairs. I don't honestly 09:29:10
17 recall who it was who asked us, but it would have 09:29:13
18 been in the name of the Bureau of Western 09:29:15
19 Hemisphere Affairs. 09:29:23

20 Q. And when you as Ambassador were asked to 09:29:23
21 weigh in to the State Department about the renewal 09:29:25
22 of TPS for Honduras, what would you do as 09:29:28
23 Ambassador or what would the embassy do to respond 09:29:31
24 to that request? 09:29:34

25 A. So, again, I have a very low definition 09:29:35

1 recall of that particular process, but what an 09:29:39
2 ambassador would do was convene a meeting, ask the 09:29:49
3 embassy staff to write a report, make a 09:29:53
4 recommendation, that report would come through my 09:29:56
5 deputy to me so that I could sign off on it and 09:30:01
6 send it up to the -- to the State Department. 09:30:04

7 Q. Would this be a formal report that the 09:30:06
8 embassy would present? 09:30:09

9 A. Yes. 09:30:11

10 Q. When you were Ambassador, was this -- was 09:30:11
11 TPS a high priority issue in Honduras or for the 09:30:16
12 embassy? 09:30:20

13 A. So TPS is -- when I -- during the time I 09:30:21
14 was in Honduras, TPS was very important to the 09:30:28
15 Hondurans. But TPS was not something that we in 09:30:31
16 the embassy thought about every day. It was just 09:30:37
17 something that was there. And we were very busy 09:30:41
18 doing other things. 09:30:45

19 So it's not something that's on -- on the 09:30:46
20 radar screen every day. It comes onto the radar 09:30:49
21 screen when it comes up for renewal. 09:30:54

22 Q. And following the creation of a report at 09:30:56
23 the embassy, what would you do with that report as 09:31:02
24 Ambassador? 09:31:05

25 A. Send it to the Bureau of Western 09:31:05

1 Hemisphere Affairs in Washington.

09:31:11

2 Q. Typically, would there be a response from
3 the Bureau of Western Hemispheres to your report?

09:31:12

09:31:14

4 A. I don't recall in this specific case
5 whether there was a response or not.

09:31:19

09:31:21

6 Q. How many times was TPS up for renewal
7 while you were Ambassador to Honduras, if you
8 recall?

09:31:22

09:31:25

09:31:28

9 A. So, I believe, I believe it came up for
10 renewal twice while I was there, and as I say, I
11 have a vague memory of the process, which I believe
12 took place in 2016.

09:31:28

09:31:30

09:31:36

09:31:46

13 Q. Thank you.

09:31:48

14 And prior to your position as Ambassador,
15 what position did you hold?

09:31:52

09:31:55

16 A. Prior to -- to being Ambassador to
17 Honduras, I was the Civilian Deputy to the
18 Commander at U.S. Southern Command in Miami.

09:31:57

09:32:02

09:32:05

19 Q. What -- what was the time period in which
20 you were Civilian Deputy to the Commander at
21 SouthCom?

09:32:09

09:32:12

09:32:17

22 A. So summer of 2013 to summer of 2014. I
23 don't recall the precise dates.

09:32:17

09:32:20

24 Q. Was it approximately one year?

09:32:22

25 A. Yes.

09:32:23

1 Q. Who did you report to when you were 09:32:24
2 Civilian Deputy to the Commander at SouthCom? 09:32:29

3 A. General John Kelly. 09:32:29

4 Q. What were your primary responsibilities in 09:32:32
5 that role? 09:32:34

6 A. So I was the Commander's foreign policy 09:32:35
7 advisor. 09:32:40

8 Q. What -- what were your more specific 09:32:42
9 responsibilities as the Commander's foreign policy 09:32:48
10 advisor? 09:32:51

11 A. So my job was to give the Commander and 09:32:52
12 other elements of the command advice on relations 09:32:56
13 with countries in the hemisphere. And then I also 09:33:01
14 had specific responsibilities regarding human 09:33:05
15 rights and public affairs, if I recall. 09:33:09

16 Q. Did TPS ever come up in your role as 09:33:13
17 Civilian Deputy to the Commander at SouthCom? 09:33:26

18 A. I don't recall it coming up. 09:33:26

19 Q. Prior to your position at SouthCom, what 09:33:28
20 position did you hold? 09:33:30

21 A. Prior to SouthCom, I was the Deputy Chief 09:33:36
22 of Mission, which is the number two person at the 09:33:39
23 U.S. embassy in Ottawa, Canada. 09:33:42

24 Q. What years did you hold that post? 09:33:44

25 A. That would have been summer of 2010 to 09:33:46

1 summer of 2013.

09:33:49

2 Q. I imagine you also had three-week breaks
3 in between these positions?

09:33:49

09:33:52

4 A. Sometimes.

09:33:53

5 Q. What was the position that you held --
6 well, let me just ask, did TPS ever come up in your
7 position in Ottawa?

09:33:54

09:33:56

09:33:59

8 A. No.

09:34:00

9 Q. What was your position prior to that?

09:34:00

10 A. I was Deputy Chief of Mission at the
11 embassy in Lima, Peru.

09:34:02

09:34:05

12 Q. Do you recall the years that you held that
13 position?

09:34:08

09:34:10

14 A. 2007 to 2010.

09:34:10

15 Q. Did TPS ever come up in that position?

09:34:17

16 A. No.

09:34:19

17 Q. What was your position prior to that?

09:34:19

18 A. I was the Deputy Chief of Mission, and for
19 16 months, the Chargé D'Affaires, which is the
20 person who runs the embassy in the absence of an
21 ambassador in Montevideo, Uruguay.

09:34:21

09:34:24

09:34:27

09:34:31

22 Q. What years did you hold that post?

09:34:33

23 A. 2005 to 2007.

09:34:37

24 Q. Did TPS ever come in that position?

09:34:39

25 A. No.

09:34:41

1 Q. What position did you hold prior to the
2 position in Montevideo?

09:34:41

09:34:43

3 A. I was Counselor for Public Affairs with
4 the embassy in Madrid.

09:34:45

09:34:49

5 Q. Do you recall the years that you held that
6 post?

09:34:51

09:34:56

7 A. 2002 to 2005.

09:34:56

8 Q. What year did you -- what post did you
9 hold prior to that?

09:34:59

09:35:07

10 A. I was Counselor for Public Affairs at the
11 embassy in Budapest, Hungary.

09:35:08

09:35:12

12 Q. What were the years you held that post?

09:35:15

13 A. 1999 to 2002.

09:35:17

14 Q. What position did you hold before that?

09:35:19

15 A. I worked in the Office of Human Resources
16 at the U.S. Information Agency in Washington.

09:35:21

09:35:28

17 Q. What years did you hold that post?

09:35:32

18 A. 1996 to 1999.

09:35:44

19 Q. So we'll -- we won't go further back than
20 that.

09:35:46

09:35:52

21 Is it fair to say that the first time that
22 you came across TPS as an area of concern in your
23 professional life was either in your post at
24 SouthCom, which you don't recall -- and in that
25 post, you don't recall how it came up, or in your

09:35:53

09:35:58

09:36:02

09:36:06

09:36:10

1 post at the U.S. embassy in Honduras?

09:36:12

2 MR. KIRSCHNER: Objection, confusing.

09:36:16

3 Q. Is it fair to say that the -- that the
4 first time that TPS came up in your professional
5 life was definitely the --

09:36:19

09:36:24

09:36:28

6 MS. MacLEAN: Sorry. Let me rephrase
7 that.

09:36:32

09:36:34

8 Q. The -- is it fair to say that the first
9 time that you recall that TPS was definitely an
10 area of concern in your professional life was in
11 the post that you held as Ambassador to Honduras?

09:36:34

09:36:36

09:36:39

09:36:41

12 A. The first time I recall dealing with TPS
13 was as Ambassador to Honduras.

09:36:45

09:36:49

14 Q. Thank you.

09:36:50

15 So let's go back to your position at DHS
16 starting in July of 2016. Did you have --

09:36:58

09:37:00

17 A. '17.

09:37:05

18 Q. 2017.

09:37:06

19 Did you -- thank you for the
20 clarification.

09:37:08

09:37:12

21 Did you have any training when you entered
22 that post?

09:37:13

09:37:15

23 A. I believe there was a day or a day and a
24 half of orientation, this is DHS kind of thing.

09:37:16

09:37:19

25 Q. Do you recall what was included in that

09:37:23

1 training, generally?

09:37:28

2 A. It was the kind of training that every new
3 employee to DHS receives, so talked about the
4 leadership and the structure and the mission of the
5 Department.

09:37:29

09:37:33

09:37:37

09:37:40

6 Q. Do you recall ever having any training or
7 guidance with regard to TPS when you entered your
8 post at DHS?

09:37:40

09:37:43

09:37:46

9 A. No.

09:37:49

10 Q. So I wanted to go now to a discussion
11 generally about the way that decisions are made
12 about the possible renewal or termination of TPS
13 when a country has already been designated.

09:37:50

09:37:56

09:37:59

09:38:04

14 I understand that USCIS typically
15 initiates the TPS determination process by
16 soliciting a report from a research arm within
17 USCIS called RAIIO, R-A-I-O, and soliciting other
18 input, including from the Department of State,
19 drafting and revising a decision memo, and sending
20 the decision memo with a recommendation or options
21 to DHS for further review.

09:38:07

09:38:11

09:38:15

09:38:18

09:38:22

09:38:25

09:38:27

09:38:30

22 I know you were not working specifically
23 within USCIS at that -- at the time that you were
24 at DHS.

09:38:32

09:38:34

09:38:40

25 Is that your understanding of the process?

09:38:41

1 MR. KIRSCHNER: Objection. Counsel is 09:38:43
2 testifying. Could you phrase it as kind of a 09:38:44
3 question for Ambassador Nealon? 09:38:47

4 Q. Do you have an understanding of what the 09:38:51
5 process is at USCIS prior to a decision memo being 09:38:53
6 signed by the USCIS director and sent to the DHS -- 09:38:58
7 sent to DHS for review? 09:39:03

8 A. So, no, I don't have a granular 09:39:03
9 understanding of what CIS's internal process is 09:39:06
10 leading up to the production of a memo to the 09:39:11
11 Secretary. 09:39:13

12 Q. Okay. So what is your understanding 09:39:13
13 generally to the extent that you know of what 09:39:15
14 happens at USCIS prior to a decision memo being 09:39:19
15 sent from USCIS to DHS? 09:39:23

16 A. Just in very general terms, they're 09:39:25
17 responsible for sending a -- a recommendation to 09:39:29
18 the Secretary, and so they do their due diligence 09:39:31
19 on country conditions and so forth in order to 09:39:34
20 prepare that memo. But I don't have -- as I say, I 09:39:39
21 don't have a granular understanding of what their 09:39:43
22 internal process is. 09:39:45

23 Q. Okay. Did you have any involvement with 09:39:46
24 USCIS during their portion of the review of TPS for 09:39:48
25 an individual country? 09:39:53

1 A. I'm sure I did in that we would be 09:39:56
2 together in meetings. I would talk occasionally 09:40:07
3 with the Acting Director of USCIS, a person who was 09:40:14
4 Acting Director during part of my tenure at DHS 09:40:20
5 about TPS, but I wasn't involved in their 09:40:24
6 preparation of their memo. 09:40:28

7 Q. Who was the Acting Director with whom you 09:40:29
8 were in contact while you were at DHS? 09:40:32

9 A. His name is James McCament. 09:40:35

10 Q. And who else were you in contact with at 09:40:38
11 USCIS during your time at DHS regarding TPS? 09:40:41

12 A. I would have been in touch later with the 09:40:45
13 now Director of USCIS, Francis Cissna, and I would 09:40:48
14 have been in contact with Jennifer Higgins, and 09:40:53
15 probably others, but I don't recall specifically. 09:41:01

16 Q. You recalled meetings with USCIS regarding 09:41:03
17 TPS. Can you recall which meetings you 09:41:06
18 participated in with the USCIS regarding TPS? 09:41:10

19 A. Well, what I recall is that there were 09:41:13
20 meetings about TPS, so I didn't meet specifically 09:41:15
21 with CIS to talk about TPS, sorry for the initials, 09:41:18
22 but we would be together in meetings at which TPS 09:41:29
23 was discussed. 09:41:31

24 Q. Do you recall approximately how many 09:41:39
25 meetings roughly you engaged in regarding TPS while 09:41:40

1 at DHS?

09:41:44

2 A. No.

09:41:45

3 Q. How often would you say you interacted
4 with Mr. McCament regarding TPS while you were at
5 DHS?

09:41:45

09:41:56

09:42:01

6 A. I would hesitate to put a number on it,
7 because I would be making up a number. You know,
8 as necessary.

09:42:02

09:42:06

09:42:09

9 Q. I would imagine that there are months
10 where you would not communicate as regularly
11 because TPS was not as much a priority and there
12 would be months where you would communicate more.
13 Is that fair to say?

09:42:10

09:42:16

09:42:19

09:42:22

09:42:24

14 A. That's correct, that's fair to say.

09:42:25

15 Q. When TPS was a higher priority issue or
16 there were more pressing deadlines, how often would
17 you communicate with Mr. McCament regarding TPS,
18 roughly?

09:42:26

09:42:29

09:42:32

09:42:36

19 A. Couple of times a week.

09:42:37

20 Q. Okay. And I want to ask the same question
21 with regard to Mr. Cissna, when TPS was a higher
22 priority or there were more pressing deadlines,
23 about how often would you communicate with
24 Mr. Cissna?

09:42:40

09:42:44

09:42:48

09:42:51

09:42:54

25 A. Probably less often.

09:42:55

1 Q. Why would you say less often than

09:42:56

2 Mr. McCament?

09:43:00

3 A. You know, I knew Mr. McCament better, we'd

09:43:00

4 worked together for a longer period of time than

09:43:06

5 I'd worked with Francis Cissna, and I just had a

09:43:08

6 very easy relationship with him.

09:43:11

7 Q. And after Mr. McCament finished his role

09:43:14

8 as Acting Director of USCIS, what position did he

09:43:19

9 take?

09:43:23

10 A. I believe he reverted to being the deputy

09:43:23

11 director.

09:43:27

12 Q. About how often would you communicate with

09:43:27

13 Ms. Higgins when TPS was a higher priority issue

09:43:34

14 for the Department?

09:43:39

15 A. You know, I don't want to give the

09:43:39

16 impression that there was a regular cycle of

09:43:41

17 meetings so that I could put a number on it.

09:43:43

18 Everybody is very busy. I might have 12 or 15

09:43:46

19 meetings in a day; they'll have 12 or 15 meetings

09:43:49

20 in a day, so you tend to communicate as necessary

09:43:54

21 rather than on some regular cycle.

09:43:56

22 Q. Did you communicate with Ms. Neubel

09:43:58

23 Kovarik while you were at the Department?

09:44:04

24 A. I know who she is. I did have contact

09:44:06

25 with her, but I was not in regular contact with her

09:44:08

1 about TPS. Certainly, we were on e-mail chains and
2 we were in meetings, but she is not someone that I
3 would normally reach out to to discuss TPS.

09:44:10

09:44:14

09:44:17

4 Q. Did you know the role that she played with
5 regard to TPS?

09:44:21

09:44:26

6 A. I couldn't tell you specifically what her
7 role was, no.

09:44:26

09:44:29

8 Q. Did you understand that she had a role
9 with regard to TPS?

09:44:29

09:44:31

10 A. Yes.

09:44:32

11 Q. Okay. Did you know Robert Law while you
12 were at DHS?

09:44:33

09:44:37

13 A. I don't recall the name.

09:44:39

14 Q. Okay. Did you know Brandon Prelogar while
15 you were at DHS?

09:44:39

09:44:44

16 A. Again, I don't recall the name, sorry.

09:44:46

17 Q. That's okay. Okay. So we'll move on from
18 USCIS. I imagine you have greater understanding of
19 the process at DHS.

09:44:48

09:44:51

09:44:53

20 Can you walk me through at a high level
21 your understanding of the process for a DHS review
22 of a TPS designation for a country that has already
23 been designated for TPS?

09:44:55

09:45:00

09:45:05

09:45:11

24 A. Yeah. So I can walk you through what I
25 observed.

09:45:14

09:45:18

1 So during Acting Secretary Duke's tenure, 09:45:20
2 she was a very active consumer of information about 09:45:27
3 TPS, and so she solicited written materials and -- 09:45:32
4 and opinions from staff about TPS. 09:45:39

5 And then the more formal process, of 09:45:44
6 course, is that she would receive input directly 09:45:48
7 from the Department of State, from the Secretary of 09:45:51
8 State, and from the Director of USCIS, she would 09:45:54
9 receive that input in written form and then she 09:45:58
10 would make a decision. 09:46:00

11 It was a secretarial decision whether or 09:46:01
12 not to renew TPS or not. 09:46:04

13 Q. What kind of information did she seek in 09:46:06
14 order to make a determination with regard to TPS? 09:46:09

15 A. So what I observed is that she read 09:46:12
16 voraciously, so she read press reports, she read 09:46:17
17 intel reports, she read outside analyses provided 09:46:23
18 by civil society, and then she solicited oral 09:46:29
19 opinions from staff members. 09:46:40

20 Q. Did she directly seek the information that 09:46:42
21 you're describing, or did she have staff under her 09:46:53
22 who were collecting this information? 09:46:57

23 A. What I recall is both. 09:46:59

24 Q. What is the kind of information that she 09:47:01
25 was directly seeking, in your memory? 09:47:04

1 A. Um, she -- again, in my recollection, she 09:47:07
2 was interested in the law, what does the law say. 09:47:11
3 She was very interested in country conditions. She 09:47:17
4 was very -- in the countries that had TPS. 09:47:22

5 She was very interested in U.S. policy 09:47:26
6 implications, in other words, what are the 09:47:29
7 implications of sending people back to these 09:47:31
8 countries, how does that play for U.S. interests. 09:47:33

9 She was very interested in the effect of 09:47:36
10 sending people back on -- on -- on migration, on 09:47:39
11 whether or not sending people back would have the 09:47:48
12 net effect of increasing rather than decreasing 09:47:51
13 migration. 09:47:54

14 So again, in my experience, she -- she 09:47:55
15 cast a very wide net in terms of gathering 09:47:58
16 information. 09:48:01

17 Q. And who were the staff underneath her who 09:48:01
18 were all -- most responsible for collecting 09:48:05
19 information with regard to TPS determinations? 09:48:07

20 A. Um, so I don't know specifically who on 09:48:10
21 her inner staff was doing that for her. I don't 09:48:14
22 know. 09:48:21

23 Q. From what you recall, she was quite 09:48:21
24 hands-on, though, with regard to TPS 09:48:26
25 determinations? 09:48:29

1 A. She was.

09:48:29

2 Q. Okay. Were you at DHS when Secretary

09:48:30

3 Kelly was Secretary -- was DHS Secretary?

09:48:39

4 A. So briefly. So I came on board, as I

09:48:41

5 said, July 10th or 11th, right there sometime, and

09:48:45

6 I believe General Kelly went to the White House on

09:48:48

7 July 30th, I believe.

09:48:53

8 Q. And was TPS an issue at all during the

09:48:55

9 short tenure of then Secretary Kelly while you were

09:48:58

10 at DHS?

09:49:06

11 A. Yes, I believe so.

09:49:07

12 Q. What is the kind of information --

09:49:13

13 MS. MacLEAN: Or let me scratch that.

09:49:16

14 Q. What would you describe as the process to

09:49:18

15 the extent that you know, and obviously it was

09:49:18

16 quite brief, when -- for TPS determinations when

09:49:21

17 Secretary Kelly was DHS Secretary?

09:49:23

18 A. So I don't recall that any TPS decisions

09:49:25

19 came to a head during the brief time that I

09:49:30

20 overlapped with him. They may have, but I don't

09:49:34

21 recall that they did.

09:49:36

22 Q. Do you recall TPS coming up at all as --

09:49:41

23 A. I do.

09:49:44

24 Q. -- when you were working -- sorry, just

09:49:45

25 let me finish the question.

09:49:48

1 A. Sorry.

09:49:49

2 Q. Would you -- do you recall TPS coming up
3 as an issue while you were at DHS when Secretary
4 Kelly was Secretary?

09:49:50

09:49:52

09:49:56

5 A. Yes.

09:49:57

6 Q. In what way?

09:49:58

7 A. I recall discussing Haiti with him at one
8 point, and there may have been more general
9 discussions about TPS for other countries, but I
10 don't remember specifics.

09:50:00

09:50:07

09:50:11

09:50:16

11 Q. Okay. What do you recall about the
12 conversations with Secretary Kelly regarding the
13 TPS determination for Haiti?

09:50:16

09:50:18

09:50:22

14 MR. KIRSCHNER: Objection. To the extent
15 this is calling for internal government
16 deliberations, I would instruct you not to answer
17 under the deliberate process privilege.

09:50:23

09:50:26

09:50:29

09:50:32

18 MS. MacLEAN: So just obviously for the
19 record, and I think we're both clear on this, and I
20 think you probably are as well, this is an issue
21 that is outstanding where there is litigation, so
22 we will -- if you choose not to answer that
23 question, we'll hold off but may need another
24 deposition to follow up on that question and other
25 related questions where there is a deliberative

09:50:36

09:50:38

09:50:40

09:50:45

09:50:47

09:50:49

09:50:52

09:50:54

1 process privilege asserted.

09:50:57

2 MR. KIRSCHNER: I will say, though, that
3 to the extent you can answer this question in ways
4 that do not implicate the internal government
5 deliberations, then feel free to answer.

09:50:58

09:51:00

09:51:03

09:51:06

6 A. I'm not a lawyer, so --

09:51:12

7 MR. KIRSCHNER: Well --

09:51:15

8 A. So I do recall a conversation with Kelly
9 about Haiti, but it -- it was not a decision
10 conversation. It was a discussion, it was a
11 conversation. So in that sense, I believe it was
12 deliberative, but...

09:51:16

09:51:18

09:51:25

09:51:27

09:51:30

13 MR. KIRSCHNER: Okay. I'll instruct you
14 not to answer about internal government
15 deliberations.

09:51:34

09:51:36

09:51:40

16 Q. Okay. You described your understanding of
17 how Secretary Duke was making decisions with regard
18 to TPS and how she consumed information, the kind
19 of information she sought, and how directly she was
20 involved in the TPS determination process.

09:51:41

09:51:47

09:51:51

09:51:53

09:51:56

21 What would you say with regard to
22 Secretary Kelly's overview of -- and oversight of
23 the TPS determination process to the extent that
24 you know?

09:51:59

09:52:01

09:52:07

09:52:09

25 A. You know, I only overlapped with him for

09:52:11

1 -- for those three weeks, and as I say, I don't
2 recall a TPS decision coming to a head during the
3 time that we were together, so I don't have the
4 same sense of Kelly's decision-making process that
5 I have of Acting Secretary Duke's.

09:52:15

09:52:19

09:52:21

09:52:25

09:52:30

6 Q. Did you overlap with Secretary Nielsen
7 while she was Secretary?

09:52:34

09:52:37

8 A. I did.

09:52:38

9 Q. Did you overlap with Secretary Nielsen
10 while TPS decisions were being made?

09:52:39

09:52:44

11 A. Yes.

09:52:46

12 Q. How would you describe her oversight of
13 the TPS decision-making process?

09:52:46

09:52:49

14 A. She's a very different Secretary than
15 Acting Secretary Duke was, they're just different
16 people with different personalities and different
17 styles.

09:52:52

09:52:58

09:53:01

09:53:03

18 I would say that Secretary Nielsen started
19 from a much more granular level of understanding of
20 TPS because of her previous experience than did
21 Acting Secretary Duke, who came out of a management
22 background and not a policy background. So I would
23 say that Secretary Nielsen, as I say, started at a
24 higher level of understanding of TPS in general.

09:53:08

09:53:11

09:53:16

09:53:21

09:53:24

09:53:36

09:53:39

25 Q. What would you say her understanding of

09:53:41

1 TPS was at that time or --

09:53:45

2 MS. MacLEAN: Scratch that.

09:53:49

3 Q. Where would you say that she gained her
4 understanding of TPS?

09:53:51

09:53:52

5 A. I think from her previous experience in
6 government, as well as her time as Secretary
7 Kelly's Chief of Staff and then her time at the
8 White House as Kelly's deputy Chief of Staff.

09:53:53

09:53:56

09:54:00

09:54:02

9 Q. Could you describe her perspective of TPS
10 to the extent that you know?

09:54:06

09:54:12

11 A. No. I don't think I could do that.

09:54:19

12 Q. You described Acting Secretary Duke as
13 seeking substantial information from various
14 sources both directly and indirectly, herself and
15 through her staff, in the process of making a TPS
16 determination. Would you describe Secretary
17 Nielsen in the same way?

09:54:21

09:54:25

09:54:28

09:54:32

09:54:34

09:54:37

18 A. So I didn't have the same level of
19 visibility on whatever process Secretary Nielsen
20 went through to prepare herself to make TPS
21 decisions. But I did participate in meetings with
22 her, with representatives of foreign countries who
23 were lobbying her to extend TPS. I participated in
24 meetings with her, this is Secretary Nielsen, in
25 meetings with civil society and faith-based groups

09:54:39

09:54:41

09:54:46

09:54:49

09:54:54

09:54:58

09:55:04

09:55:07

1 who were lobbying her to extend TPS. Our office 09:55:11
2 provided, at her instruction, written materials 09:55:16
3 that had come in from civil society and faith-based 09:55:22
4 groups making a case for extension of TPS. We 09:55:26
5 provided those documents to her staff so that she 09:55:30
6 could read them. So there was a very active 09:55:33
7 process. But I probably couldn't go any further in 09:55:37
8 describing how she prepared herself to make those 09:55:42
9 decisions. 09:55:45

10 Q. You said that you didn't have the same 09:55:46
11 visibility into the process for Secretary Nielsen's 09:55:47
12 TPS decision-making as you did for Acting Secretary 09:55:51
13 Duke's decision making. Why would you say that is? 09:55:55

14 A. Well, I think it was just personalities, 09:55:58
15 just the way that Acting Secretary Duke gathers 09:56:01
16 information before making a decision is very 09:56:07
17 verbal, very open, very solicitous, and Secretary 09:56:13
18 Nielsen is simply a different personality. 09:56:20

19 Q. Who do you know to be involved in the TPS 09:56:22
20 decision-making process at DHS? 09:56:28

21 MR. KIRSCHNER: Objection, vague. 09:56:31

22 Q. You can answer the question, if you 09:56:34
23 understand it. 09:56:37

24 A. Well, I mean, it's a secretarial decision. 09:56:38
25 So it's as simple as that. It's a secretarial 09:56:42

1 decision, and various secretaries would go through
2 their distinct processes to gather information
3 before they made their decisions. So there's the
4 formal process of the written materials that we've
5 discussed, and then there's a less formal process
6 of soliciting information and reading and talking
7 and discussing.

09:56:48
09:56:53
09:56:56
09:56:59
09:57:02
09:57:06
09:57:09

8 Q. Are there people in particular at DHS who
9 are more involved in the DHS TPS determination
10 process?

09:57:13
09:57:16
09:57:22

11 MR. KIRSCHNER: Objection, vague.

09:57:22

12 Q. If you understand the question, you can
13 answer it. If not, I can rephrase.

09:57:24
09:57:26

14 A. Yeah. So I think, again, it's a
15 secretarial decision, so everyone else is simply
16 giving advice, right? But the entities within DHS
17 that were most concerned with TPS would be the
18 Office of Policy, the Office of International
19 Affairs, which deals with those countries that have
20 TPS and USCIS, which administers TPS.

09:57:29
09:57:32
09:57:37
09:57:46
09:57:52
09:57:57
09:58:01

21 Q. Were there secretarial advisors who were
22 also involved in the process?

09:58:06
09:58:09

23 A. Yes.

09:58:10

24 MR. KIRSCHNER: Objection. I was going to
25 say objection, vague. The word "involved" is

09:58:11
09:58:13

1 vague.

09:58:15

2 Q. Who were the secretarial advisors who were
3 involved in the process?

09:58:16

09:58:20

4 MR. KIRSCHNER: Again, objection, vague.

09:58:21

5 A. So again, there were a series of
6 decisions, so I'm painting with a bit of a broad
7 brush here. But on the Secretary's staff there are
8 counsellors who have portfolios, and the counsellor
9 who had the immigration portfolio was a gentleman
10 named Gene Hamilton. Of course, the Secretary's
11 Chief of Staff advised her on all things, on all
12 decisions. Yeah.

09:58:23

09:58:27

09:58:31

09:58:39

09:58:43

09:58:47

09:58:52

09:58:55

13 Q. Does the phrase "front office review" mean
14 anything to you?

09:59:03

09:59:10

15 A. Um, you know, as a longtime bureaucrat, I
16 assume that means that a document goes up to the
17 Secretary's office and gets reviewed by people in
18 the front office before it gets put in front of the
19 Secretary, but I'm not certain that that's a formal
20 technical term.

09:59:10

09:59:19

09:59:22

09:59:25

09:59:27

09:59:32

21 Q. Do you have an understanding of who is in
22 the DHS front office?

09:59:36

09:59:38

23 A. I have an understanding of who was in the
24 DHS front office when I was there.

09:59:39

09:59:42

25 Q. Who was in the DHS front office when you

09:59:45

1 were there?

09:59:47

2 A. So there was a Secretary, there was a
3 deputy Secretary, there was a team of counsellors
4 which I just described, there was a Chief of Staff,
5 there was a deputy Chief of Staff, and then there
6 were a couple of aides, Coast Guard officers who
7 were sort of personal assistants to the Secretary.
8 There were office management specialists. Yeah, I
9 think that's the front office.

09:59:48

09:59:50

09:59:54

10:00:00

10:00:03

10:00:07

10:00:12

10:00:19

10 Q. You mentioned that there were counsellors
11 and that Mr. Hamilton was the counsellor to the
12 Secretary who was specifically tasked on
13 immigration. Did the deputy Secretary also have
14 counsellors?

10:00:21

10:00:26

10:00:30

10:00:33

10:00:36

15 A. The Deputy Secretary had a very small
16 staff. I don't recall if they were called
17 "counsellors" or what they were called, but there
18 were a couple of people who assisted her as well.

10:00:36

10:00:42

10:00:44

10:00:48

19 Q. Do you recall if the Deputy Secretary had
20 anyone in her staff who was tasked with immigration
21 issues?

10:00:50

10:00:53

10:00:57

22 A. I don't recall.

10:00:57

23 Q. So you may not know the answer to this
24 question; obviously, let me know if you don't. In
25 a front office review process for a TPS

10:00:58

10:01:03

10:01:07

1 determination, if there were suggested changes or 10:01:09
2 concerns about the USCIS decision memo, do you know 10:01:16
3 how those changes or recommendations or revisions 10:01:20
4 would be expressed? 10:01:23

5 A. No. 10:01:28

6 Q. Do you know if USCIS would have 10:01:29
7 involvement in the review process after the 10:01:36
8 decision memo is transmitted from the USCIS 10:01:42
9 director to the DHS Secretary prior to the DHS 10:01:47
10 Secretary's signature? 10:01:54

11 A. I'm sorry, could you repeat that? 10:01:56

12 Q. Yes. Do you know if USCIS had any 10:01:57
13 involvement in the DHS decision-making process in 10:01:59
14 between the period where the USCIS director signs 10:02:02
15 off on the decision memo and the DHS Secretary 10:02:06
16 makes a final decision? 10:02:12

17 MR. KIRSCHNER: Objection, vague, 10:02:13
18 confusing. 10:02:15

19 A. You know, I don't have any direct insight 10:02:19
20 into how the front office of DHS operated at that 10:02:22
21 level of granularity, I just don't. 10:02:25

22 Q. Okay. Do you know how long the DHS review 10:02:28
23 would typically take once the USCIS director 10:02:45
24 transmits a signed decision memo to DHS? 10:02:49

25 A. No, because oftentimes deadlines -- 10:02:52

1 timelines are driven by deadlines, so it would 10:03:02
2 depend on when the paperwork got to the front 10:03:05
3 office and when the decision was due. 10:03:08

4 Q. Are you familiar with the DHS office of 10:03:11
5 general counsel? 10:03:17

6 A. Yes. 10:03:17

7 Q. Do you know what the role was of the 10:03:18
8 Office of General Counsel in TPS determinations? 10:03:20

9 A. So the role of the Office of General 10:03:23
10 Counsel in general is to provide legal advice to 10:03:25
11 the Secretary. 10:03:28

12 Q. Did you have any engagement with the 10:03:29
13 Office of General Counsel regarding TPS while you 10:03:34
14 were at DHS? 10:03:37

15 A. Yes. 10:03:39

16 Q. What was your engagement, generally? 10:03:39

17 A. So generally speaking, representatives of 10:03:41
18 that office would be present in formal meetings 10:03:46
19 that took place where TPS was discussed. 10:03:49

20 Q. Did you have any other engagement with the 10:03:55
21 Office of General Counsel with regard to TPS? 10:03:58

22 A. Not that I recall. 10:03:59

23 Q. Did you have any engagement with the DHS 10:04:00
24 Deputy Secretary while you were at DHS with regard 10:04:05
25 to TPS? 10:04:08

1 A. So there were various acting deputy 10:04:09
2 secretaries while I was there. So when I arrived, 10:04:16
3 Elaine Duke was the Deputy Secretary. When Kelly 10:04:20
4 left, she became Acting Secretary. Claire Grady 10:04:25
5 became the Acting Deputy. So -- I'm sorry. Could 10:04:32
6 you repeat the question? 10:04:39

7 Q. Sorry. Just to follow up on your 10:04:40
8 response. Was Claire Grady deputy -- acting -- 10:04:44
9 well, was Claire Grady Acting Deputy Secretary 10:04:52
10 until the end of your tenure at DHS or until -- 10:04:54

11 A. Yes. 10:04:58

12 Q. Yes. 10:04:58

13 When Acting Secretary Duke was no longer 10:04:58
14 an Acting Secretary? 10:05:01

15 A. Well, no. Can I -- 10:05:03

16 Q. Please. 10:05:10

17 A. -- correct the record? That's correct. 10:05:10
18 When Secretary Nielsen was confirmed and came over, 10:05:12
19 Acting Secretary Duke reverted back to being the 10:05:16
20 Deputy Secretary and Claire Grady reverted back to 10:05:19
21 being the undersecretary for management. 10:05:23

22 Q. Did you have engagement with Ms. Grady 10:05:25
23 about TPS while you were at DHS? 10:05:29

24 A. Yes, in that she was present at meetings 10:05:32
25 where TPS was discussed, but I don't recall 10:05:34

1 specific meetings with her to discuss TPS.

10:05:37

2 Q. Did you engage with Mr. Hamilton regarding
3 TPS while you were at DHS?

10:05:41

10:05:46

4 A. Yes.

10:05:48

5 Q. In what way did you engage with
6 Mr. Hamilton about TPS while you were at DHS?

10:05:49

10:05:52

7 A. Again, we would be present at the same
8 meetings where TPS was discussed.

10:05:58

10:06:00

9 Q. Did you have any individual conversations
10 outside of the meetings that you're describing with
11 Mr. Hamilton while you were at DHS?

10:06:00

10:06:00

10:06:24

12 MR. KIRSCHNER: Objection, confusing.

10:06:24

13 Q. While you were at DHS, outside of the
14 broader meetings that you're describing, did you
15 have any other conversations with Mr. Hamilton
16 regarding TPS?

10:06:26

10:06:31

10:06:34

10:06:38

17 A. I'm sure I did. I'm sure I had corridor
18 conversations and e-mail exchanges.

10:06:42

10:06:45

19 Q. There are, as I understand it, a couple of
20 counsellors to the Deputy Secretary at DHS. Do you
21 understand Kate Nichols -- do you know who Kate
22 Nichols is?

10:06:48

10:07:10

10:07:20

10:07:26

23 A. Yes.

10:07:26

24 Q. Who is Kate Nichols?

10:07:26

25 A. Again, I'm not certain of her title, but

10:07:29

1 she acted like a counsellor to the Deputy 10:07:32
2 Secretary. I will say that people came and went 10:07:35
3 with some frequency in those jobs, so I don't have 10:07:38
4 any recollection of who was in those positions at 10:07:40
5 what time. 10:07:43

6 Q. Did you understand Ms. Nichols, apparently 10:07:43
7 also known as Ms. Alford, to have had any -- 10:07:46
8 sorry -- did you understand Ms. Nichols to have a 10:07:54
9 role in the TPS determination process? 10:07:57

10 A. Not that I'm aware of. 10:07:59

11 Q. Was she present at any of the meetings 10:08:00
12 that you described where TPS was discussed? 10:08:04

13 A. You know, she probably was, because 10:08:07
14 typically the people who fill that job go where the 10:08:09
15 Deputy Secretary goes. 10:08:15

16 Q. Did you know Arex Avanni while you were at 10:08:20
17 DHS? 10:08:25

18 A. Yes. 10:08:26

19 Q. What do you understand Arex Avanni's role 10:08:27
20 to be? 10:08:29

21 A. He was also a counsellor to the Deputy 10:08:30
22 Secretary. 10:08:34

23 Q. Did you understand Mr. -- is it Mr.? 10:08:34

24 A. (Nodding head up and down.) 10:08:37

25 Q. -- Mr. Avanni to have a role with regard 10:08:38

1 to TPS while you were at DHS?

10:08:41

2 A. Not that I'm aware of.

10:08:41

3 MS. MacLEAN: We'll mark this as

10:08:51

4 Exhibit 30.

10:08:53

5 (Exhibit 30, DHS-001-659-000630 - 631,
6 marked for identification.)

10:08:54

10:08:54

7 Q. So the document that we just marked as
8 Exhibit 30 is an e-mail, and I wonder if you could
9 just explain what this e-mail relates to.

10:09:10

10:09:21

10:09:24

10 MR. KIRSCHNER: Objection, calls for
11 speculation.

10:09:29

10:09:30

12 A. So this looks to be an e-mail from me to
13 my Chief of Staff asking her to participate in a
14 phone call that I'm not able to participate on
15 because I'm on my way to Australia. And the
16 subject is "DHS TPS coordination call." And I
17 really can't recall anything more than that.

10:09:43

10:09:45

10:09:48

10:09:50

10:09:53

10:09:58

18 Q. Were these -- was there a regular DHS TPS
19 coordination call, to your knowledge?

10:10:00

10:10:05

20 A. No.

10:10:06

21 Q. Was there a group of people who was known
22 to participate in a TPS coordination call at DHS?

10:10:07

10:10:12

23 A. So this call would have been organized
24 probably by someone in the Secretary's -- on the
25 Secretary's staff, someone in the DHS front office

10:10:16

10:10:21

10:10:25

1 and they would have determined who they wanted on 10:10:28
2 the call. So I don't see the original message, so 10:10:31
3 I don't know who those people are. 10:10:38

4 Q. How would you know with an e-mail like 10:10:39
5 this, generally, who was going to be included on 10:10:46
6 that? 10:10:48

7 A. I would look at who the addressees on the 10:10:48
8 e-mail were. 10:10:51

9 Q. While you were at DHS, do you recall there 10:10:52
10 being multiple DHS TPS coordination calls? 10:10:57

11 A. I don't. 10:11:00

12 Q. In your recollection, who would be amongst 10:11:00
13 the people who would be on -- 10:11:06

14 A. Actually, I do remember a call or two, 10:11:09
15 yes. I do remember a call or two which this might 10:11:25
16 refer to, in which there was an effort made to 10:11:32
17 coordinate the interagency on TPS decisions. In 10:11:38
18 other words, a decision was imminent, how is that 10:11:43
19 decision going to be communicated, who is going to 10:11:47
20 communicate it, what's the role of the various 10:11:51
21 government departments. I think that's what this 10:11:53
22 is referring to. 10:11:56

23 Q. And do you recall who the people are who 10:11:58
24 are generally on those TPS coordination calls? 10:12:02

25 MR. KIRSCHNER: Objection, calls for 10:12:06

1 speculation.

10:12:11

2 Q. Who might you expect to be on a TPS
3 coordination call at DHS, from the time that you
4 were there?

10:12:11

10:12:13

10:12:16

5 A. So I would be speculating, and I would
6 speculate as follows: so the Office of Policy, our
7 office would be on the call; someone representing
8 the Secretary's office would probably be on the
9 call; the call would probably be led by the
10 Assistant Secretary for Public Affairs, who's
11 responsible for the department's communications.
12 And then I would speculate that USCIS would be on
13 the call and perhaps others.

10:12:16

10:12:19

10:12:23

10:12:27

10:12:34

10:12:37

10:12:40

10:12:46

10:12:51

14 Q. So the press release that announced that
15 TPS for Sudan would be terminated was on
16 September 18th, 2017. This is October 23rd.

10:12:53

10:13:17

10:13:22

17 Let's come back to that if we need to.

10:13:42

18 Do you understand anything about the term
19 "decision package" when it is used in the context
20 of TPS?

10:13:45

10:13:55

10:13:59

21 A. No. But I would speculate that a decision
22 package would be the package of information that
23 gets put before the Secretary so that she can make
24 a decision. So there would be a decision memo and
25 then some supporting materials behind that.

10:14:02

10:14:09

10:14:11

10:14:16

10:14:20

1 Q. What is generally included in the 10:14:23
2 materials that are presented to the DHS Secretary 10:14:26
3 for her to make a decision? 10:14:29

4 MR. KIRSCHNER: Objection, calls for 10:14:30
5 speculation, seeks facts not in evidence. 10:14:33

6 Q. You can answer the question to the extent 10:14:36
7 that you know. 10:14:38

8 A. So I mean, I don't know because I didn't 10:14:39
9 work in the front office, so I don't know what 10:14:44
10 would be put in front of her. But as I say, 10:14:46
11 normally, there would be a decision memo, yes-no, 10:14:49
12 and then supporting materials. 10:14:54

13 Q. Do you have any understanding of what the 10:14:56
14 supporting materials are that are put before the 10:14:59
15 DHS Secretary when she's making a decision with 10:15:02
16 regard to TPS? 10:15:04

17 MR. KIRSCHNER: Again, objection, 10:15:07
18 speculative. 10:15:09

19 A. I will speculate that the supporting 10:15:11
20 materials would be the communications from the 10:15:16
21 Secretary of State and the communications from 10:15:22
22 USCIS and any other internal communications that 10:15:27
23 her staff thought relevant. 10:15:30

24 Q. Are you aware of a clearance process with 10:15:33
25 regard to formal documents that are submitted for 10:15:39

1 review or circulated internally within the
2 Department?

10:15:43

10:15:45

3 A. Yes.

10:15:46

4 MR. KIRSCHNER: I was going to say
5 objection, lack of foundation.

10:15:46

10:15:48

6 Q. You can answer the question.

10:15:50

7 A. Yes.

10:15:52

8 Q. What do you know about the clearance
9 process?

10:15:53

10:15:55

10 A. So there's actually a whole mechanism set
11 up in every government Department to clear
12 documents formally. And in DHS it's called the
13 "Executive Secretary" or "Exec Sec" process.

10:15:55

10:16:01

10:16:03

10:16:08

14 Q. Can you describe to me what that process
15 consisted of?

10:16:12

10:16:15

16 A. So I'm not an expert on that process, but
17 as a user, if you want to get a document cleared
18 through the Department, you submit it to the
19 department's executive Secretary or the people who
20 manage the paperwork for the Department, and then
21 they are experts in how to do this and they know
22 who needs to clear a document in order for it to
23 move forward. So they manage that process, sending
24 it out for clearance and then, you know, if there
25 are changes or whatever, making those changes and

10:16:16

10:16:19

10:16:23

10:16:29

10:16:32

10:16:36

10:16:41

10:16:43

10:16:48

10:16:55

1 then sending the document forward.

10:16:57

2 Q. What kinds of documents would need to go
3 through the clearance process that you're
4 describing?

10:16:59

10:17:02

10:17:06

5 A. Formal documents, memos, decisions,
6 reports, that sort of thing.

10:17:07

10:17:17

7 Q. What is the purpose of the clearance
8 process, in your understanding?

10:17:20

10:17:26

9 MR. KIRSCHNER: Objection, speculative.

10:17:28

10 A. So in a very large department like the
11 Department of Homeland Security, there are lots of
12 equities. There are lots of different elements
13 that have -- that have a piece of almost anything
14 that happens within the Department, so it's
15 important that the Department speak with one voice
16 to the extent possible, so the clearance process is
17 meant to take all of that into account and come up
18 with a product that speaks for the Department.

10:17:30

10:17:37

10:17:39

10:17:43

10:17:50

10:17:52

10:17:53

10:17:56

10:17:59

19 Q. Do you know if documents related to TPS
20 went through the clearance process?

10:18:04

10:18:07

21 A. I don't know.

10:18:08

22 Q. Would the DHS policy office have an
23 opportunity to review documents that were submitted
24 through the clearance process?

10:18:09

10:18:14

10:18:16

25 A. If the executive Secretary had determined

10:18:19

1 that the Office of Policy should have a say in that
2 document, yes.

3 MS. MacLEAN: So this will be Exhibit 31.

4 (Exhibit 31, E-mail dated Thursday, May 18,
5 2017, 2:45 p.m. from Kathy Kovarik, marked for
6 identification.)

7 Q. So Ambassador Nealon, I'll just give you a
8 moment to look at the document that we just marked
9 as Exhibit 31.

10 So obviously, there's quite a bit that's
11 redacted, so it's a little bit like Swiss cheese
12 and hard to make complete sense of this as will be
13 true with some of the other documents that we look
14 at today.

15 MR. KIRSCHNER: Objection, counsel is
16 testifying.

17 Q. But if you could just turn to what is
18 marked on the bottom right as page 107.

19 A. Yes.

20 Q. There's one e-mail that starts at the
21 middle of the page. Who are the people who are
22 listed on that e-mail, to the extent that you know?

23 A. I just see three people: Kathy Kovarik,
24 James McCament, and Tracy Renaud.

25 Q. And who is Tracy Renaud?

1 A. I don't recall. 10:20:33

2 Q. So Kathy Neubel Kovarik asks the question 10:20:34
3 in this e-mail: "Are we now taking these FRNs to 10:20:38
4 OMB for clearance or just FYI?" 10:20:42

5 Do you understand in this e-mail what 10:20:46
6 "FRNs" would be? 10:20:48

7 A. No. 10:20:49

8 MR. KIRSCHNER: Objection, speculative. I 10:20:50
9 would note this is an e-mail that does not indicate 10:20:52
10 Ambassador Nealon on it, and it also predates 10:20:54
11 Ambassador Nealon's time at the Department of 10:20:57
12 Homeland Security. 10:21:00

13 Q. Do you understand what "OMB" would be in 10:21:00
14 this e-mail? 10:21:03

15 A. Office of Management and Budget. 10:21:04

16 Q. Well, the e-mail refers to a clearance 10:21:06
17 process. Would you think that that's the clearance 10:21:12
18 process of the type that you're describing from 10:21:17
19 this e-mail? 10:21:20

20 MR. KIRSCHNER: Objection, speculative, 10:21:20
21 lack of foundation. 10:21:24

22 A. Um, it occurs to me that FRNs are Federal 10:21:24
23 Register Notices and so I believe that the Office 10:21:31
24 of Management and Budget clears all notices that go 10:21:37
25 into the Federal Register. So the answer would be 10:21:41

1 no, this is a different clearance process than an 10:21:44
2 internal DHS clearance process. 10:21:46

3 Q. And what do you know about the OMB 10:21:48
4 clearance process, to the extent that you know 10:21:52
5 anything about that process? 10:21:54

6 A. I just told you everything I know about 10:21:55
7 the OMB clearance process. 10:21:57

8 Q. Do you understand that Federal Register 10:21:59
9 Notices are supposed to go through a clearance 10:22:01
10 process by OMB? 10:22:03

11 A. That is my understanding -- my 10:22:05
12 understanding is that OMB clears notices before 10:22:07
13 they go into the Federal Register. 10:22:11

14 Q. Do you understand that to be a mandatory 10:22:13
15 process? 10:22:17

16 A. That's my understanding, but -- it's my 10:22:17
17 understanding. 10:22:19

18 Q. Okay. I'm just going to share with you an 10:22:21
19 exhibit that was previously marked as -- looks like 10:22:37
20 18. So this e-mail also is an e-mail exchange that 10:22:41
21 I'm going to share with you, also includes some of 10:23:08
22 the same people that were included in the previous 10:23:11
23 e-mail exchange. I'm just going to ask you to look 10:23:14
24 at the first e-mail in the chain, which is -- 10:23:24
25 begins at the bottom of page 142 and continues to 10:23:31

1 the end of the document. Sorry. Continues to 143.

10:23:35

2 A. So I'm sorry, begin with the -- from Kathy
3 Kovarik at the bottom of 142?

10:23:46

10:23:52

4 Q. Yes. November 1st, 2017 at 11:17 p.m.

10:23:54

5 A. Yeah.

10:24:01

6 Q. If you could just read that e-mail to
7 yourself.

10:24:01

10:24:04

8 A. Okay.

10:24:30

9 Q. So the last paragraph of the e-mail before
10 she says "thank you for reviewing," Ms. Neubel
11 Kovarik writes, "I don't anticipate sending this
12 formally through the clearance process, but rather
13 after you provide your input and we amend, we'll
14 share with appropriate directorates for FYI before
15 getting D1 signature."

10:24:31

10:24:33

10:24:39

10:24:41

10:24:41

10:24:45

10:24:47

16 First, who do you understand "D1" to be?

10:24:49

17 A. The director of USCIS.

10:24:53

18 Q. And is the clearance process that's
19 described here similar to the clearance process
20 that you outlined, to your knowledge?

10:24:57

10:24:59

10:25:02

21 MR. KIRSCHNER: Objection, lack of
22 foundation, speculative. This is an e-mail
23 internal to USCIS or at least it appears to be.

10:25:03

10:25:04

10:25:07

24 A. Yes. I can't be certain what clearance
25 process she's referring to.

10:25:14

10:25:16

1 Q. What is the document that she's describing 10:25:19
2 here? 10:25:22

3 MR. KIRSCHNER: Objection, speculative. 10:25:23

4 Q. To the extent you know what is the 10:26:08
5 document that's being described here? 10:26:10

6 A. So I'm reading the same e-mail that you 10:26:12
7 are. We have finalized the decision memo on 10:26:14
8 Haiti's TPS designation. 10:26:17

9 Q. So I'm going to jump to DHS policy in 10:26:19
10 particular. Can you describe what the role is of 10:26:43
11 DHS policy in TPS decision -- the TPS 10:26:47
12 decision-making process? 10:26:50

13 MR. KIRSCHNER: Objection, vague. It's 10:26:51
14 unclear what you mean by "DHS policy." 10:26:56

15 MS. MacLEAN: Fair point. 10:27:00

16 Q. How would you describe or what term would 10:27:01
17 you use to describe the unit that you were 10:27:07
18 overseeing? 10:27:09

19 A. The Office of Policy. 10:27:09

20 Q. The Office of Policy. 10:27:10

21 What was the role of the DHS Office of 10:27:12
22 Policy in the TPS decision-making process? 10:27:16

23 A. So we had a variety of roles in that 10:27:18
24 process. One was outreach to the countries 10:27:27
25 affected by TPS, so meetings with the Salvadorans 10:27:35

1 and the Haitians, for example, the Hondurans. 10:27:42
2 Outreach to civil society and faith-based groups 10:27:48
3 who wanted to meet with the Department to make a 10:27:50
4 case for the extension of TPS, outreach to other 10:27:52
5 members of the interagency, particularly the State 10:28:03
6 Department and then more informal and on at least 10:28:07
7 one occasion formal advice to the Secretary, Acting 10:28:16
8 Secretary about TPS. 10:28:21

9 Q. When would DHS policy -- sorry -- when 10:28:27
10 would the DHS Office of Policy typically get 10:28:30
11 engaged in a TPS review process? 10:28:32

12 MR. KIRSCHNER: Objection, vague, lack of 10:28:35
13 foundation. 10:28:47

14 A. So we would typically get involved when it 10:28:47
15 was time to get the Secretary ready to make a 10:28:50
16 decision. So in the period leading up to that 10:28:55
17 60-day window before the termination of a 10:29:00
18 particular TPS. 10:29:04

19 Q. You described a period leading up to the 10:29:05
20 Secretary making a decision, but obviously that 10:29:12
21 period can be long, it could be a week before, a 10:29:15
22 month before, three months before, and obviously, 10:29:19
23 how the DHS Office of Policy would get involved 10:29:21
24 would presumably vary depending on what the 10:29:25
25 decision was and what issues were at play. Do you 10:29:27

1 have a sense, though, generally whether the DHS 10:29:30
2 Office of Policy would get involved a week before, 10:29:32
3 two weeks before, a month before, a couple months 10:29:35
4 before the Secretary would make a decision? 10:29:38

5 A. So -- so we would get involved -- would 10:29:40
6 begin to get involved as necessary. So for 10:29:50
7 example, the Salvadoran foreign minister would come 10:29:55
8 to Washington and want to meet with the Secretary 10:29:58
9 or meet with me. He did that regularly, not only 10:30:01
10 geared to the timeline of TPS. So we would have 10:30:06
11 meetings as necessary at any time that someone 10:30:13
12 asked for a meeting. I don't recall ever turning 10:30:17
13 down a meeting with someone regarding TPS. 10:30:20

14 Q. When you say you don't recall turning down 10:30:33
15 a meeting with someone with regard to TPS, are you 10:30:33
16 speaking specifically of foreign governments who 10:30:33
17 are interested or are you speaking also internally 10:30:35
18 of meetings that would be requested -- 10:30:36

19 A. I was referring to foreign governments and 10:30:38
20 civil society and faith-based groups. 10:30:40

21 Q. Did you have standing meetings while you 10:30:44
22 were head of the DHS Office of Policy? 10:30:52

23 MR. KIRSCHNER: Objection, vague. 10:30:57

24 A. Yes. 10:30:58

25 Q. What standing meetings did you have? 10:30:58

1 A. So the Secretary would have a morning 10:31:01
2 meeting every morning that he or she was in town. 10:31:07
3 I would attend that. The Chief of Staff would have 10:31:13
4 meetings a couple times a week, regular meetings 10:31:18
5 for office and component heads, and I would attend 10:31:22
6 those. 10:31:27

7 Q. Sorry, just to clarify, when you say the 10:31:27
8 Chief of Staff would have regular meetings, do you 10:31:29
9 mean -- 10:31:32

10 A. I'm sorry, the DHS Chief of Staff, 10:31:32
11 Secretary's Chief of Staff, yes. 10:31:37

12 Q. How often would the DHS Chief of Staff 10:31:37
13 have those meetings? 10:31:40

14 A. Usually twice a week, I believe. Then we 10:31:41
15 would have our own internal staff meetings within 10:31:44
16 the Office of Policy, we tried to do that once a 10:31:47
17 week. 10:31:50

18 Q. Who would attend the morning meetings with 10:31:50
19 the DHS Secretary when she was in town? 10:31:55

20 A. Um, the Secretary, her Chief of Staff, 10:31:58
21 often the deputy Chief of Staff, often the Deputy 10:32:05
22 Secretary, often a counsellor to the Deputy 10:32:10
23 Secretary, usually one or more of the Secretary's 10:32:14
24 counsellors, the undersecretaries, the acting legal 10:32:19
25 counsel, an FBI representative, and some briefers. 10:32:28

1 There may have been others.

10:32:40

2 Q. You didn't mention yourself, and I imagine
3 that you were at these meetings?

10:32:42

10:32:44

4 A. I was at these meetings.

10:32:45

5 Q. Are there other people who held similar
6 positions to you who were also at those meetings
7 who were heads of different units within DHS?

10:32:47

10:32:50

10:32:53

8 A. Yes. So this was not a large meeting, so
9 I was there in my capacity as the Acting
10 Undersecretary of Policy and so the other
11 undersecretaries were also invited to that meeting.

10:32:54

10:32:57

10:33:00

10:33:02

12 Q. How many other acting undersecretaries or
13 undersecretaries are there in the Department, to
14 your knowledge?

10:33:08

10:33:12

10:33:14

15 A. One, two, three -- four.

10:33:14

16 Q. What was the purpose of the meetings, the
17 morning meetings with the DHS Secretary?

10:33:20

10:33:30

18 A. Coordination.

10:33:32

19 Q. How long would those meetings usually
20 take?

10:33:33

10:33:36

21 A. It completely depended on what was going
22 on that day, what the Secretary's schedule was, but
23 a typical meeting would be about a half an hour.

10:33:36

10:33:41

10:33:46

24 Q. Who would set -- was there an agenda set
25 for these meetings?

10:33:48

10:33:51

1 A. Yes. She would get briefed. It was a 10:33:52
2 briefing for the Secretary so that she had 10:33:57
3 situational awareness of what was going on in her 10:33:59
4 world as she started the day. 10:34:02

5 Q. Was there someone tasked to facilitate or 10:34:05
6 moderate these meetings? 10:34:08

7 A. Yes. There were -- there were briefers 10:34:09
8 who that was their job, they did this for a living. 10:34:13

9 Q. Okay. Do you recall if TPS ever came up 10:34:16
10 in any of these meetings? 10:34:20

11 A. I do. 10:34:21

12 Q. I'm going to ask you about the instances 10:34:23
13 where you recall TPS coming up at these meetings, 10:34:29
14 and they may come to you out of order, but about -- 10:34:34
15 first of all, about how often or how many times do 10:34:37
16 you recall TPS coming up in these meetings? 10:34:41

17 A. I recall one specific meeting. 10:34:42

18 Q. What -- can you describe more or less when 10:34:49
19 that meeting took place? 10:34:52

20 A. Yes. This meeting took place in the 10:34:53
21 run-up to the Secretary's decision on Central 10:34:58
22 America. 10:35:08

23 Q. And when you say a run-up to the 10:35:08
24 Secretary's decision on TPS for Central America, 10:35:20
25 are there particular Central American countries 10:35:22

1 that were at issue in this conversation?

10:35:24

2 A. I recall her at this meeting being very
3 interested in getting more information on El
4 Salvador and Honduras.

10:35:25

10:35:28

10:35:36

5 Q. Which Secretary was this?

10:35:37

6 A. Acting Secretary Duke.

10:35:38

7 Q. Do you recall who raised the issue of TPS
8 at this meeting?

10:35:44

10:35:48

9 A. She did.

10:35:48

10 Q. Do you recall what type of information she
11 was specifically seeking?

10:35:49

10:35:55

12 A. I do, but it was a classified discussion
13 and I'm afraid I can't go any further.

10:35:55

10:35:58

14 Q. Okay. Did the -- did -- was the
15 information that she sought ultimately provided?

10:36:00

10:36:05

16 A. Some information was ultimately provided
17 to her; whether all her questions were answered or
18 not, I don't know.

10:36:08

10:36:14

10:36:18

19 Q. So there was a review of TPS for Honduras.
20 Well, how many reviews is -- how many times was
21 TPS -- was Honduras up for review for TPS at the
22 time that you were at DHS?

10:36:19

10:36:40

10:36:42

10:36:47

23 A. Certainly once. I'm hesitating because,
24 you know, it's a rolling thing. As you know, TPS
25 was extended for six months, which means that she

10:36:52

10:37:06

10:37:10

1 immediately had to start thinking about the next 10:37:16
2 iteration of that. So that's why I'm hesitating to 10:37:19
3 say how many times did it come up. 10:37:23

4 It was on the plate during the time she 10:37:25
5 was the Acting Secretary. 10:37:28

6 Q. And the first time that Honduras was 10:37:30
7 reviewed for TPS, was it reviewed alongside the 10:37:33
8 review for El Salvador? 10:37:36

9 A. So my recollection is that Honduras and El 10:37:41
10 Salvador are on slightly different schedules, but 10:37:46
11 that there was a general understanding that 10:37:48
12 Honduras and El Salvador had to be addressed in a 10:37:51
13 similar way because U.S. equities in both countries 10:37:57
14 are very similar, and there would be -- there could 10:38:02
15 be implications for U.S. policy if they were 10:38:07
16 treated differently, so even though they were on 10:38:09
17 different time frames, there was an effort to treat 10:38:13
18 them similarly and on the same time frame. 10:38:17

19 Q. So do you recall whether this meeting that 10:38:23
20 you're describing was a meeting that predated the 10:38:30
21 first decision by Acting Secretary Duke with regard 10:38:33
22 to TPS for Honduras? 10:38:39

23 A. I don't recall specifically, no. 10:38:41

24 Q. Do you recall -- you said that you 10:38:42
25 recalled one specific meeting and gave some 10:38:45

1 background on that meeting.

10:38:47

2 Are there any other instances that you
3 recall where TPS came up in those morning meetings
4 for the DHS Secretary?

10:38:48

10:38:50

10:38:53

5 A. I don't recall specific instances.

10:38:55

6 MR. KIRSCHNER: How are we doing on time
7 and questioning -- of where you are with the line
8 of questioning and break?

10:39:00

10:39:02

10:39:06

9 MS. MacLEAN: Maybe I'll cover the other
10 two standing meetings that you have and then we'll
11 take a break, if that -- is that okay with you?

10:39:07

10:39:09

10:39:12

12 THE WITNESS: It's okay with me.

10:39:14

13 MS. MacLEAN: Does that work? Okay.

10:39:16

14 Q. So you described the second meeting --
15 second type of standing meeting that you described
16 was a meeting that was held by the DHS Chief of
17 Staff generally a couple of times a week.

10:39:16

10:39:19

10:39:22

10:39:26

18 Did TPS ever come up in those meetings, to
19 your recollection?

10:39:29

10:39:32

20 A. I'm sure it did. That meeting -- you
21 know, the Secretary's meeting that I described was
22 by definition very, very high level, what does the
23 Secretary need to know. The Chief of Staff's
24 meeting was a different meeting. It was more of a
25 what do people need to do today, what's going on,

10:39:33

10:39:36

10:39:40

10:39:43

10:39:46

10:39:49

1 you know, what are you doing, who are you meeting 10:39:52
2 with, how does that all feed into the big picture, 10:39:55
3 you know, that supports the Secretary and the 10:39:59
4 greater mission of DHS. 10:40:00

5 So I'm sure it came up, but it wasn't a 10:40:02
6 forum for a -- for a deep discussion of TPS. 10:40:06

7 Q. And who attended the DHS Chief of Staff 10:40:10
8 meetings? 10:40:15

9 A. So that was more widely attended by 10:40:15
10 component heads or their representatives. And by 10:40:20
11 "component heads," I mean USCIS, CBP, ICE, et 10:40:23
12 cetera. And then the various offices within DHS 10:40:29
13 headquarters, so the Office of Policy, the Office 10:40:33
14 of Management, so on, Office of General Counsel. 10:40:36

15 Q. And the last standing meeting that you 10:40:43
16 described or the last standing meeting that you 10:40:53
17 mentioned were internal meetings within the DHS 10:40:56
18 Office of Policy that took place about once a week. 10:41:23

19 A. Um-hum. 10:41:02

20 Q. Who would attend those meetings? 10:41:02

21 A. So that was also fairly widely attended, 10:41:05
22 usually about 30 people, and those would be sort of 10:41:08
23 the director level people in the Office of Policy. 10:41:11
24 So people who ran, for example, a geographic 10:41:14
25 bureau, you know, the Central America guy, the 10:41:18

1 Middle East guy.

10:41:21

2 Q. What was the purpose of these meetings?

10:41:24

3 A. It was basically a show-and-tell meeting.

10:41:26

4 It was so that I would have situational awareness

10:41:30

5 of what -- all the things that the office was

10:41:33

6 engaged in, and so they would have situational

10:41:35

7 awareness.

10:41:39

8 I could report down on what the

10:41:39

9 Secretary's activities were, what was on her mind,

10:41:41

10 how we should prioritize ourselves for the next

10:41:45

11 week or so.

10:41:49

12 Q. Were there agendas for these meetings?

10:41:50

13 A. There were not. They were very

10:41:52

14 freewheeling.

10:41:54

15 Q. Did someone facilitate those meetings?

10:41:55

16 Was that you or someone --

10:41:58

17 A. That was me.

10:42:00

18 Q. Okay. Did someone keep notes for these

10:42:00

19 meetings?

10:42:03

20 A. I didn't. It's -- I'm sure there were

10:42:04

21 people around the table who took notes so that they

10:42:05

22 could report back to their teams. But there was no

10:42:09

23 formal note-taking process, there was no designated

10:42:12

24 note-taker.

10:42:15

25 Q. Do you recall TPS coming up in these

10:42:16

1 meetings?

10:42:18

2 A. TPS certainly would have come up at these
3 meetings. For example, members of my staff would
4 say the Honduran foreign minister is coming to town
5 and she wants to meet with the Secretary, how
6 should we handle that.

10:42:18

10:42:22

10:42:25

10:42:30

10:42:33

7 Or I would say hey, the Secretary met with
8 the Haitian foreign minister last week, he made a
9 pitch on TPS and, you know, here's a readout of
10 that meeting. So it was an exchange of
11 information.

10:42:36

10:42:38

10:42:42

10:42:44

10:42:46

12 Q. Were -- were those meetings an opportunity
13 for a discussion of issues, or were they more for
14 sharing information or something else entirely?

10:42:46

10:42:48

10:42:52

15 A. They were more for sharing information.
16 Again, not a forum for a deep discussion of -- of
17 issues. There was just too much on our plate.

10:42:54

10:42:56

10:42:58

18 Q. And about how long would these meetings
19 take?

10:43:00

10:43:03

20 A. These meetings would take about an hour.

10:43:03

21 Q. Okay. Besides the examples that you're
22 describing of updates on foreign governments
23 requesting meetings or on meetings that foreign
24 governments would have with the DHS Secretary or
25 someone else within the Department, how else would

10:43:05

10:43:09

10:43:15

10:43:18

10:43:21

1 TPS come up in these standing meetings? 10:43:23

2 A. Um, so I don't recall specific instances 10:43:27
3 in which it came up, but, for example, someone 10:43:31
4 could say -- just putting it out there, the Sudan 10:43:34
5 decision is looming in three weeks' time, waiting 10:43:39
6 to hear from the State Department with their letter 10:43:42
7 from the Secretary and their country conditions 10:43:46
8 report, something like that could come up, 10:43:48
9 awareness raising. 10:43:52

10 Q. Okay. Great. 10:43:57

11 MS. MacLEAN: So I think we'll take a 10:43:58
12 break. Does five minutes sound good or 10 minutes? 10:44:00
13 How much time would be good? 10:44:04

14 MR. KIRSCHNER: Let's try to aim for five 10:44:04
15 but might slip to 10. 10:44:05

16 THE VIDEOGRAPHER: Time is 10:44. We are 10:44:07
17 off the record. 10:44:10

18 (Proceedings interrupted at 10:44 a.m. and 10:44:11
19 reconvened at 11:05 a.m.) 10:44:12

20 THE VIDEOGRAPHER: The time is 11:05. We 11:05:27
21 are back on the record. 11:05:36

22 BY MS. MacLEAN: 11:05:37

23 Q. So Ambassador Nealon, you may feel like 11:05:37
24 you have answered this question already, but what 11:05:40
25 was your decision-making authority with regard to 11:05:43

1 TPS?

11:05:45

2 A. None.

11:05:45

3 Q. Besides the people that you have described
4 as having engaged with in making recommendations
5 regarding TPS or meeting with -- meeting with
6 regarding TPS, is there anyone else within the
7 Department that you have engaged with regarding
8 TPS?

11:05:46

11:05:56

11:06:01

11:06:07

11:06:11

11:06:14

9 A. So at meetings where TPS was discussed,
10 there could have been a lot of different people at
11 those meetings. You know, I just don't recall the
12 specifics.

11:06:19

11:06:30

11:06:34

11:06:40

13 But I think the people that I've described
14 are the people who played the biggest role in TPS.
15 But again, it was a secretarial decision.

11:06:42

11:06:44

11:06:49

16 Q. Uh-huh. And you identified before the
17 break that you wanted to refresh your recollection
18 regarding the staff in the Office of Policy besides
19 Briana Petyo who had any involvement in TPS. Did
20 you have any chance to look at that during the
21 break?

11:06:51

11:06:54

11:06:59

11:07:03

11:07:09

11:07:13

22 A. I didn't. But I will do that.

11:07:13

23 Q. You can do it after lunch, that's fine.

11:07:13

24 A. (Nodding head up and down.)

11:07:16

25 Q. Who succeeded you at the Department, in

11:07:26

1 the DHS Office of Policy after you left? 11:07:29

2 A. I believe it's James McCament. 11:07:31

3 Q. I saw that and I was a bit confused, 11:07:35

4 because I had understood that he was the Deputy 11:07:38

5 Director at USCIS. Am I misunderstanding his role? 11:07:41

6 A. So he was the Deputy Director at USCIS. 11:07:45

7 My understanding, and this may be an imperfect 11:07:49

8 understanding, is that he's now the Acting Deputy 11:07:52

9 Undersecretary of Policy. So there's still no 11:08:01

10 Senate-confirmed Undersecretary of Policy, and I 11:08:03

11 understand he's been put in a job that was vacant 11:08:07

12 during the time I was there, which is the Deputy 11:08:10

13 Undersecretary of Policy. 11:08:15

14 Q. And -- 11:08:15

15 A. But he's effectively running the Office of 11:08:17

16 Policy. 11:08:20

17 Q. Uh-huh. And does he serve that role and a 11:08:20

18 role at USCIS, to your knowledge? 11:08:22

19 A. I don't know. 11:08:24

20 MS. MacLEAN: Okay. Going to mark this 11:08:54

21 document as Exhibit 32. 11:08:56

22 (Exhibit 32, DHS-001-659-000035 - 77, 11:08:57

23 marked for identification.) 11:08:59

24 Q. You don't need to read the report, but if 11:08:59

25 you could read the e-mail that's attached to the 11:09:01

1 report, I would appreciate it.

11:09:03

2 A. Okay.

11:10:04

3 Q. So I know that this predated your time as
4 well. It identifies the addressee as "Immigration
5 Policy." Do you know who Immigration Policy would
6 be referring to?

11:10:04

11:10:07

11:10:11

11:10:13

7 MR. KIRSCHNER: Objection, speculative.

11:10:14

8 A. I don't. I would speculate that it's a
9 team within -- within the Office of Policy that
10 deals with immigration policy.

11:10:20

11:10:24

11:10:32

11 Q. Do you know who would be in that team?

11:10:33

12 MR. KIRSCHNER: Objection, speculative.

11:10:40

13 A. At this time, I think it would have been
14 Francis Cissna, before he went over to USCIS.

11:10:41

11:10:50

15 Q. What was his role in the Office of Policy
16 before he went over to USCIS?

11:10:56

11:10:58

17 A. He worked on immigration policy in the
18 Office of Policy.

11:10:59

11:11:01

19 Q. Did he have a particular title that you're
20 aware of?

11:11:02

11:11:05

21 A. I don't recall what his title was.

11:11:06

22 Q. Were there other people in the immigration
23 policy team in the Office of Policy?

11:11:07

11:11:10

24 MR. KIRSCHNER: Objection, foundation.

11:11:12

25 A. So the Assistant Secretary, I believe he

11:11:18

1 was on board at that time, who ran what's called 11:11:21
2 Borders, Immigration and Trade, the Assistant 11:11:27
3 Secretary of Borders, Immigration and Trade within 11:11:29
4 the Office of Policy is a gentleman named Michael 11:11:33
5 Dougherty. 11:11:38

6 Q. Was there anyone else that would be 11:11:39
7 referred to as part of an immigration policy team? 11:11:41

8 A. So there are. There are members of that 11:11:42
9 team that I -- I couldn't tell you now who they 11:11:44
10 are. 11:11:53

11 Q. Were there other people that you would 11:11:53
12 consider to be part of the immigration policy team 11:11:55
13 in the Office of Policy? 11:11:58

14 The subject of that e-mail is "Forward due 11:12:02
15 4/6 at 5:00 p.m. ESEC report comment clearance." 11:12:08
16 Is that the comment clearance -- or is that the 11:12:14
17 clearance process that you described earlier, to 11:12:15
18 your recollection? 11:12:17

19 MR. KIRSCHNER: Objection, speculative. 11:12:17

20 A. So, yes, ESEC stands for the Executive 11:12:20
21 Secretary, which is the body within DHS that 11:12:24
22 coordinates and clears paperwork. 11:12:30

23 Q. So within the body of the e-mail, there 11:12:40
24 are three paragraphs: The second paragraph and the 11:12:43
25 longest paragraph says in the last line, "Might be 11:12:47

1 worth lifting TPS on the IMM PLCY priority list so 11:12:52
2 we know how the DHS FO USCIS want to proceed and 11:12:56
3 can coordinate appropriately." 11:13:02

4 Do you see that? 11:13:04

5 A. I do. 11:13:04

6 Q. Do you know what the IMM, I-M-M, policy, 11:13:05
7 P-L-C-Y, priority list refers to? 11:13:09

8 MR. KIRSCHNER: Objection, speculative. 11:13:13

9 A. I don't. 11:13:13

10 Q. When you were at DHS, to your knowledge, 11:13:22
11 was there an immigration policy priority list? 11:13:22

12 A. I wasn't aware of one. 11:13:24

13 Q. Okay. Do you know what DHS FO refers to? 11:13:26

14 A. The DHS front office. 11:13:31

15 Q. And then the last line reads, "If not, 11:13:36
16 I'll check with TPSP/SCO and get this back to 11:13:39
17 policy Exec Sec." 11:13:47

18 What -- do you know what TPSP/SCO refers 11:13:50
19 to? 11:13:54

20 MR. KIRSCHNER: Objection, speculative. 11:13:55

21 A. I don't. 11:13:56

22 Q. Okay. We can move on from this document. 11:14:06

23 And I'll mark this as Exhibit 33. And 11:14:14
24 this does concern your time at DHS, so I'll give 11:14:24
25 you a moment to review that document. 11:14:27

1	(Exhibit 33, DHS-001-659-000459 - 460,	13:05:00
2	marked for identification.)	13:05:01
3	A. Okay.	11:14:58
4	Q. So to the extent that you know, could you	11:15:02
5	let me know who the people are who listed on either	11:15:05
6	the from or to lines of the two e-mails that are	11:15:07
7	included here?	11:15:10
8	A. Yes. So Jonathan Hoffman is or at least	11:15:10
9	was the Assistant Secretary for Public Affairs DHS.	11:15:17
10	Lauren Claffey works for him. Briana Petyo was my	11:15:23
11	Chief of Staff, Chief of Staff of the Office of	11:15:31
12	Policy. Chad Wolf was the Secretary's Chief of	11:15:34
13	Staff. Elizabeth Neumann was the Secretary's	11:15:39
14	deputy Chief of Staff.	11:15:43
15	Q. Can you -- the subject line of the message	11:15:50
16	is "TPS tick-tock." Did that have a particular	11:15:54
17	meaning within the Department?	11:16:00
18	A. Yes. So "tick-tock" is an informal term	11:16:01
19	used for the sequencing of events. So in this	11:16:10
20	case, it refers -- it appears to refer to the	11:16:11
21	sequencing of events following the cancellation of	11:16:14
22	Haiti TPS.	11:16:19
23	Q. And this is a message that's from you. So	11:16:32
24	were the events that are outlined here events that	11:16:35
25	you or your office were responsible for following	11:16:38

1 the cancellation? 11:16:40

2 A. So I see that in the subject line -- you 11:16:44
3 can see it's "re TPS tick-tock," so in other words, 11:16:45
4 I think I was replying to something, but -- 11:16:50

5 Q. Sorry. If I can just correct you. If we 11:16:53
6 look at the main e-mail that begins at the middle 11:16:57
7 of the page, that seems to be an e-mail that's 11:17:02
8 initiated by you and with the subject "TPS 11:17:05
9 tick-tock"; is that correct? 11:17:08

10 A. Yes, fair enough. 11:17:11

11 MR. KIRSCHNER: I just want to interject. 11:17:12
12 I mean, this is fine for purposes of clarification, 11:17:15
13 but next time I'd ask counsel to let Ambassador 11:17:17
14 Nealon finish his response before providing 11:17:22
15 clarification. 11:17:24

16 MS. MacLEAN: Understood. 11:17:25

17 Q. So can you clarify whether these tasks 11:17:26
18 were tasks that you were responsible for or someone 11:17:31
19 else in the Department or elsewhere was responsible 11:17:34
20 for? 11:17:36

21 A. So it looks like what I'm doing in this 11:17:36
22 e-mail is listing the things that my office has 11:17:39
23 done or that I'm aware that other entities of the 11:17:44
24 U.S. government have done in relation to the 11:17:48
25 termination of TPS. 11:17:51

1 Q. Thank you.

11:17:51

2 And so the item number 1 that you identify
3 here in the e-mail says, "notified State, Western
4 Hemisphere." What would that be referring to?

11:17:54

11:17:57

11:17:59

5 A. That would be the Bureau of Western
6 Hemisphere Affairs at the Department of State.

11:18:02

11:18:07

7 Q. And PRM, what would PRM be referring to?

11:18:09

8 A. PRM is the Bureau of Population, Refugees
9 and Migration, Department of State.

11:18:12

11:18:12

10 Q. Why would you be notifying them of the TPS
11 termination?

11:18:19

11:18:22

12 A. Because they play -- that bureau plays a
13 key role in producing the paperwork at the
14 Department of State related to TPS.

11:18:23

11:18:25

11:18:30

15 Q. Is that with regard to TPS for countries,
16 for specific countries, or for TPS for all
17 countries?

11:18:34

11:18:39

11:18:42

18 A. TPS for all countries.

11:18:42

19 Q. And the next part of that line says "and
20 shared PAG." What does "PAG" refer to, if you
21 know?

11:18:44

11:18:50

11:18:54

22 A. It refers to public affairs guidance.

11:18:54

23 Q. And what is included in public affairs
24 guidance?

11:18:57

11:19:00

25 A. Public affairs guidance would typically

11:19:01

1 include the talking points for public consumption
2 related to a specific issue.

11:19:03

11:19:07

3 Q. Who produces the public affairs guidance
4 for the Department?

11:19:09

11:19:15

5 A. The Assistant Secretary of public affairs
6 would be ultimately responsible for those talking
7 points.

11:19:15

11:19:21

11:19:23

8 Q. Okay. And the next line, number 2, says,
9 "State is notifying our embassy in Haiti." I think
10 that's fairly self-explanatory.

11:19:23

11:19:31

11:19:35

11 Number 3 says, "I notified NSC at their
12 request." What does NSC refer to?

11:19:37

11:19:41

13 A. That refers to the National Security
14 Council.

11:19:44

11:19:48

15 Q. Is that the National Security Council at
16 the White House --

11:19:48

11:19:50

17 A. Yes.

11:19:50

18 Q. -- or is there a different National
19 Security Council? Yes.

11:19:51

11:19:54

20 Do you recall the National Security
21 Council requesting notification about the TPS
22 termination for Haiti?

11:19:55

11:19:58

11:20:00

23 A. You know, I don't specifically remember,
24 but, in general, the White House was keenly
25 interested in the Secretary's decisions related to

11:20:01

11:20:05

11:20:08

1 TPS. So it was a standard practice that we would 11:20:11
2 notify them as soon as she had made a decision. 11:20:16

3 Q. How did you know that the White House was 11:20:18
4 keenly interested in TPS decisions? 11:20:21

5 MR. KIRSCHNER: Objection. To the extent 11:20:23
6 that this is calling for internal government 11:20:26
7 deliberations, I would request that you not answer. 11:20:29
8 To the extent that you can give a general answer, 11:20:32
9 then feel free to go ahead. 11:20:34

10 A. They would tell us directly that they 11:20:40
11 would like to know as soon as the Secretary made a 11:20:42
12 decision. 11:20:46

13 Q. When you say "they," who would let you 11:20:49
14 know that they were interested in knowing what the 11:20:51
15 TPS decision was likely to be? 11:20:54

16 A. It would be at the staff level of the 11:20:56
17 National Security Council. I see the name has been 11:20:59
18 redacted here. It looks like I listed the name in 11:21:05
19 the e-mail and it's been redacted. 11:21:07

20 Q. Do you recall the name but are withholding 11:21:09
21 it because of the deliberative process privilege? 11:21:14

22 MR. KIRSCHNER: Objection, that is a 11:21:16
23 misrepresentation of the withholding listed in this 11:21:18
24 document. 11:21:20

25 MS. MacLEAN: Sorry. B6. 11:21:22

1 Q. Do you recall the name of who the person 11:21:24
2 is that you would have been in communication with? 11:21:25

3 A. I don't specifically recall, but I -- I 11:21:27
4 can imagine who that person was, yes. 11:21:30

5 Q. Were there others besides the staff person 11:21:32
6 that you're describing at the National Security 11:21:42
7 Council who are at the White House who expressed 11:21:45
8 interest in the TPS decisions? 11:21:48

9 A. Not to me. 11:21:50

10 Q. So when you were engaged with the White 11:21:52
11 House in communications around TPS, is it fair to 11:21:55
12 say that was with the National Security Council in 11:21:57
13 particular? 11:22:00

14 A. Yes. 11:22:01

15 Q. And exclusively with the National Security 11:22:02
16 Council in particular? 11:22:16

17 A. So my recollection is that when I 11:22:13
18 communicated TPS decisions to the White House, I 11:22:15
19 communicated them to the National Security Council, 11:22:19
20 yes. 11:22:23

21 Q. Did anyone from the White House 11:22:24
22 communicate with you or your team regarding TPS 11:22:26
23 outside of the person that you're thinking of at 11:22:31
24 the National Security Council? 11:22:34

25 A. Not with me directly. Whether they 11:22:36

1 communicated with my team, I wasn't aware of.

11:22:43

2 Q. So number 3 says, "I notified NSC" -- the

11:22:49

3 name is redacted -- "at their request."

11:22:56

4 Is it fair to say that you're representing

11:23:00

5 that NSC had a general request for information

11:23:03

6 about TPS decisions, not a specific request here

11:23:06

7 about the TPS decision with regard to Haiti?

11:23:10

8 MR. KIRSCHNER: Objection, confusing, no

11:23:14

9 foundation.

11:23:18

10 A. I think I can answer. I recall on a

11:23:18

11 number of TPS decisions, there was an individual at

11:23:24

12 the National Security Council, who was sort of my

11:23:27

13 natural counterpart, with whom I would communicate

11:23:30

14 and who was keenly interested in knowing when a

11:23:34

15 decision had been made and what that decision was

11:23:39

16 so that he could then communicate that decision up

11:23:42

17 his chain of command.

11:23:45

18 Q. And who was that person?

11:23:46

19 A. Gary Tomasulo.

11:23:49

20 Q. Gary -- what's his last name?

11:23:53

21 A. Tomasulo. T-o-m-a-s-u-l-o.

11:23:54

22 Q. Do you know his title?

11:24:00

23 A. I believe he was the director of

11:24:02

24 trans-border affairs at the NSC.

11:24:05

25 Q. Do you know what his responsibilities

11:24:13

1 were? 11:24:15

2 A. I don't specifically know what his 11:24:15

3 responsibilities were, no. 11:24:18

4 So just to be crystal clear, I don't know 11:24:33

5 for certain that that's the name that I wrote in 11:24:35

6 there. 11:24:37

7 Q. Right. 11:24:37

8 A. What I do know is that typically, that's 11:24:37

9 the person who I would communicate with at the NSC. 11:24:39

10 So I'm assuming that's -- 11:24:42

11 Q. Fair enough. Were there any other people 11:24:46

12 at NSC that you would communicate with about TPS 11:24:49

13 decisions? 11:24:52

14 A. I don't recall, no. I don't recall 11:24:53

15 communicating with other people about the 11:24:58

16 Secretary's decisions on TPS. 11:25:01

17 Q. Okay. The next line reads, "I have called 11:25:03

18 Haiti AMB" -- what would "AMB" refer to? 11:25:15

19 A. That's the Haitian ambassador to the 11:25:18

20 United States. 11:25:24

21 Q. And then the last line reads, "Our chargee 11:25:25

22 in Haiti will notify Haitian government 11:25:27

23 officially." 11:25:31

24 We can close out that e-mail. 11:25:47

25 So we'll move on to a discussion about the 11:25:50

1 role of the State Department with regard to TPS 11:25:51
2 determinations. What is your general understanding 11:25:56
3 of the role of the State Department with regard to 11:25:57
4 TPS determinations? 11:26:01

5 A. My general understanding of the role of 11:26:02
6 the State Department is that the termination or not 11:26:04
7 or extension of TPS is a decision made by the 11:26:10
8 Secretary of Homeland Security, but with 11:26:13
9 consultation and input from the Secretary of State. 11:26:19

10 Q. During your tenure at DHS, did the State 11:26:26
11 Department provide recommendations with regard -- 11:26:29
12 sorry -- during your tenure at DHS, did the 11:26:31
13 Secretary of State or the Deputy Secretary of State 11:26:34
14 provide recommendations concerning TPS 11:26:37
15 determinations? 11:26:40

16 A. Yes. 11:26:41

17 Q. At what stage in the process, to your 11:26:41
18 knowledge, did the Department of State provide 11:26:50
19 recommendations? 11:26:52

20 A. So the way the process is supposed to 11:26:53
21 work, as we discussed, the Secretary of Homeland 11:26:57
22 Security is supposed to render a determination at 11:27:02
23 least 60 days before the termination of TPS. And 11:27:05
24 so I'm not aware of a hard deadline for the 11:27:12
25 Secretary of State to submit his input to Homeland 11:27:15

1 Security, but obviously, it has to be in a timely 11:27:20
2 way so that the Secretary of Homeland Security has 11:27:23
3 time to consider that input before rendering her 11:27:26
4 decision. 11:27:28

5 Q. So you started off by saying the way that 11:27:30
6 it's supposed to work and then outlined the 11:27:33
7 process. 11:27:36

8 A. (Nodding head up and down.) 11:27:37

9 Q. Is it your recollection that it generally 11:27:38
10 worked in the way that you described? 11:27:40

11 A. It's my recollection that the State 11:27:41
12 Department was often very slow and late in getting 11:27:44
13 their materials to the Secretary so that she had 11:27:49
14 sufficient time to consider those materials before 11:27:53
15 making her decision. 11:27:55

16 Q. Do you recall sort of approximately at 11:27:57
17 what stage of the process the Secretary of State or 11:28:02
18 the Deputy Secretary of State engaged with the DHS 11:28:06
19 Secretary or DHS with the recommendations? 11:28:09

20 MR. KIRSCHNER: Objection, vague. It's 11:28:11
21 general in the context of the questions at issue in 11:28:16
22 this case. 11:28:21

23 A. So for example, in the case of Sudan, I 11:28:22
24 believe the Department of State's paperwork was 11:28:31
25 very late in arriving at Homeland Security and I 11:28:35

1 recall that being an issue.

11:28:43

2 Q. In what way was it an issue?

11:28:44

3 A. It was an issue in that the Secretary's
4 office -- Secretary of homeland security's office
5 was clamoring for that input so that she would have
6 sufficient time to read it, process it, before
7 having to make her decision.

11:28:46

11:28:50

11:28:54

11:28:58

11:29:00

8 Q. You had described at the outset your role
9 as engaging with the State Department and as one of
10 the key entities within the Department of Homeland
11 Security that was engaged with the State
12 Department. Had you engaged with the State
13 Department in your recollection in the -- in
14 connection with the particular case of the TPS
15 determination of Sudan?

11:29:01

11:29:04

11:29:07

11:29:10

11:29:12

11:29:14

11:29:18

11:29:22

16 A. Yes, I believe so. And the reason I say I
17 believe so is because it's sometimes difficult for
18 me to separate in my mind which TPS decision, a
19 particular phone call, or conversation took place
20 regarding. But I do recall talking to the State
21 Department about the Sudan paperwork and expressing
22 the Secretary of Homeland Security's displeasure
23 with the lateness of that paperwork.

11:29:23

11:29:26

11:29:29

11:29:33

11:29:36

11:29:44

11:29:49

11:29:53

24 Q. Do you recall what the response was from
25 the --

11:30:04

11:30:04

1 MS. MacLEAN: Well, let me step back. 11:30:04

2 Q. Do you recall who you communicated with at 11:30:04

3 the State Department regarding those concerns? 11:30:06

4 A. So I don't specifically in the case of 11:30:08

5 Sudan remember who I communicated with. But I 11:30:10

6 generally communicated with a gentleman -- in 11:30:14

7 issues regarding TPS, I generally communicated with 11:30:16

8 a gentleman named Simon Henshaw. H-e-n-s-h-a-w. 11:30:21

9 Q. Do you recall what Mr. Henshaw's role was 11:30:26

10 at the Department of State? 11:30:30

11 A. So his role was the acting Assistant 11:30:32

12 Secretary of the Bureau of Population, Refugees and 11:30:36

13 Migration. 11:30:40

14 Q. Do you recall what his response was to 11:30:41

15 your expression of concerns about the lateness of 11:30:44

16 the State Department's response? 11:30:49

17 A. Yes. He expressed similar frustration in 11:30:58

18 that his office had sent the paperwork forward in 11:31:02

19 what he considered to be a timely fashion, but it 11:31:06

20 had gotten stuck in the Secretary of State's office 11:31:09

21 and was sitting there. 11:31:12

22 Q. Did you recall him expressing any 11:31:14

23 explanation as to why it had gotten stuck in the 11:31:16

24 front office? 11:31:20

25 A. I don't. 11:31:20

1 Q. Do you have any other information that 11:31:24
2 would explain why the Department of State 11:31:27
3 recommendations concerning TPS would arrive late? 11:31:30

4 MR. KIRSCHNER: Objection, calls for 11:31:38
5 speculation. 11:31:40

6 A. So I would speculate that the paperwork 11:31:42
7 got stuck in the clearance process and hadn't been 11:31:48
8 presented to the Secretary for his signature. 11:31:52

9 Q. The conversation that you described with 11:31:54
10 Mr. Henshaw, was that a conversation that you had 11:32:00
11 generally more than once beyond the specific 11:32:10
12 situation of Sudan's TPS determination? 11:32:12

13 MR. KIRSCHNER: Objection, vague. 11:32:15

14 Q. Do you recall communicating with 11:32:18
15 Mr. Henshaw more than once about the lateness of 11:32:20
16 the Secretary of State's response in the TPS 11:32:22
17 determination process? 11:32:26

18 A. Yes, yes. 11:32:27

19 Q. Can you describe another communication 11:32:28
20 that you recall with Mr. Henshaw concerning the 11:32:33
21 lateness of the Secretary of State's input in the 11:32:36
22 TPS determination process? 11:32:40

23 A. So I believe a similar situation arose 11:32:42
24 regarding Central America. I believe there was 11:32:45
25 also an issue, not as dire, but there was also an 11:32:52

1 issue of the timeliness of the Secretary of State's 11:32:57
2 input being sent over to Department of Homeland 11:33:00
3 Security. 11:33:04

4 Q. Did you reach out to Mr. Henshaw in that 11:33:04
5 instance as well? 11:33:08

6 A. I did. 11:33:09

7 Q. Do you recall what Mr. Henshaw's response 11:33:09
8 was then? 11:33:11

9 A. I recall a similar response, that the 11:33:12
10 paperwork had been done by the professional staffs 11:33:17
11 and had been sent forward but hadn't yet emerged 11:33:21
12 from the Secretary's office. 11:33:27

13 Q. Did he express any explanation as to why 11:33:29
14 there was a delay in the instance of the 11:33:38
15 recommendation concerning Central American TPS? 11:33:41

16 A. If I recall correctly, he expressed the 11:33:44
17 belief that the paperwork was stuck in an office 11:33:51
18 called policy planning, which is part of the 11:33:55
19 Secretary of State's front office, if you will, 11:33:58
20 that vetted paper before it went to the Secretary, 11:34:04
21 and I believe I recall him expressing his belief 11:34:08
22 that the paperwork hadn't emerged from that office 11:34:10
23 to the Secretary's desk. 11:34:14

24 Q. Do you know who is in the Office of Policy 11:34:16
25 Planning at the Department of State? 11:34:20

1 A. I don't know who's there now, no.

11:34:22

2 Q. Do you know who was there at the time that
3 you were there?

11:34:24

11:34:26

4 A. I believe it was run by a gentleman named
5 Brian Hook.

11:34:26

11:34:34

6 Q. Is that an office that predated this
7 administration, to your recollection?

11:34:35

11:34:39

8 A. Yes.

11:34:41

9 Q. Is Brian Hook a political appointee or a
10 career appointee, to your knowledge?

11:34:41

11:34:46

11 A. I believe he's a political appointee.

11:34:48

12 Q. Did you engage with the Office of Policy
13 Planning at all at the Department of State around
14 TPS?

11:34:51

11:34:56

11:34:59

15 A. Yes.

11:34:59

16 Q. Can you outline in general terms the
17 context in which you would engage with the Office
18 of Policy Planning at the Department of State
19 regarding TPS?

11:35:02

11:35:11

11:35:16

11:35:16

20 A. Again, it's often difficult for me to
21 recall which TPS decision I had a specific
22 conversation about, but I believe I spoke to the
23 Office of Policy Planning regarding the Central
24 America decision and the need to get that
25 paperwork.

11:35:17

11:35:20

11:35:22

11:35:28

11:35:31

11:35:32

JAMES D. NEALON - 08/14/2018

Page 101

1 Q. Do you recall -- sorry -- was it Mr. Hook 11:35:33
2 that you spoke with -- 11:35:37

3 A. No. 11:35:38

4 Q. -- from the Office of Policy Planning? 11:35:39
5 Do you recall who you spoke with? 11:35:41

6 A. I believe I spoke with Kimberly Breier, 11:35:43
7 B-r-e-i-e-r. 11:35:51

8 Q. Do you recall what her role was? 11:35:55

9 A. I don't know what her specific title was, 11:35:57
10 no. 11:36:01

11 Q. Do you recall if this conversation was 11:36:03
12 after a conversation with Mr. Henshaw -- after the 11:36:04
13 conversation with Mr. Henshaw that you identified 11:36:07
14 where you expressed that Mr. Henshaw thought that 11:36:10
15 the decision might be held up in the Office of 11:36:13
16 Policy Planning? 11:36:16

17 A. I don't remember the chronology 11:36:16
18 specifically, but it would make sense that I would 11:36:20
19 have spoken to the Office of Policy Planning after 11:36:22
20 speaking to Mr. Henshaw. 11:36:25

21 Q. And do you recall what Ms. Breier shared 11:36:26
22 about the TPS recommendation for Central America? 11:36:30

23 A. I don't remember the specifics of the 11:36:35
24 conversation. I took the opportunity to express 11:36:38
25 the Secretary's -- Secretary of Homeland Security's 11:36:42

1 frustration and the need to get the paperwork in a 11:36:47
2 timely manner and she seemed to understand that 11:36:50
3 need. 11:36:53

4 Q. Did she express or suggest any reason why 11:36:54
5 there was a holdup in the Department of State's 11:37:00
6 recommendation concerning TPS? 11:37:04

7 A. Not that I recall. 11:37:06

8 Q. Do you know if the recommendation was 11:37:12
9 provided soon after that conversation? 11:37:17

10 MR. KIRSCHNER: Objection, calls for 11:37:19
11 speculation. 11:37:21

12 A. So, again, I don't recall the specific 11:37:21
13 chronology. I do know that we did eventually get 11:37:29
14 the paperwork from the Department of State in a 11:37:34
15 more timely fashion than we had, for example, in 11:37:36
16 the case of Sudan. 11:37:41

17 Q. Besides that one phone call that you -- 11:37:42
18 was that a phone call that you're describing with 11:37:45
19 Ms. Breier? 11:37:47

20 A. Yes. 11:37:48

21 Q. Besides that one phone call with 11:37:48
22 Ms. Breier, were there other instances in which you 11:37:51
23 engaged with Department of State Office of Policy 11:37:54
24 Planning regarding TPS? 11:37:58

25 A. I also recall having a conversation with a 11:37:58

1 woman who's first name is Tamara, T-a-m-a-r-a, and 11:38:04
2 her surname escapes me at the moment. But I don't 11:38:09
3 recall which TPS decision I spoke to her about. 11:38:17

4 Q. What do you recall about that 11:38:20
5 conversation? 11:38:21

6 A. I recall similarly taking the opportunity 11:38:26
7 to express the Department of Homeland Security's 11:38:28
8 need to see the State Department's paperwork in a 11:38:31
9 timely fashion if that input was going to receive 11:38:35
10 consideration from the Secretary of Homeland 11:38:38
11 Security. 11:38:40

12 Q. Do you recall the response from Tamara? 11:38:40

13 A. I don't, but I recall all my conversations 11:38:44
14 with the Department of State were cordial and 11:38:50
15 professional. 11:38:52

16 Q. When you were outlining -- first, were 11:38:58
17 there any other instances in which you engaged with 11:39:01
18 the Department of State Office of Policy Planning 11:39:04
19 regarding TPS? 11:39:06

20 A. Not that I recall, no. 11:39:07

21 Q. When you were describing the concerns 11:39:09
22 about the delayed response from the Secretary of 11:39:11
23 State concerning TPS for Central America, you said 11:39:16
24 it was not as dire as the situation with regard to 11:39:21
25 Sudan. Why would you describe the situation with 11:39:24

1 regard to Sudan as "dire"?

11:39:27

2 A. By dire, what I meant was, obviously, if
3 the paperwork arrived at the Department of Homeland
4 Security after the deadline for the Secretary to
5 make a decision, that's what I'm describing as
6 dire.

11:39:29

11:39:37

11:39:42

11:39:44

11:39:49

7 Q. Do you recall who ultimately -- well, do
8 you recall whether the State Department ultimately
9 provided a recommendation with regard to Sudan?

11:39:49

11:39:53

11:40:00

10 A. I do. They did, yes.

11:40:03

11 Q. Do you recall who provided the
12 recommendation?

11:40:05

11:40:07

13 A. I believe it was Deputy Secretary
14 Sullivan.

11:40:07

11:40:09

15 Q. In your recollection, was it atypical for
16 the Deputy Secretary rather than the Secretary to
17 provide a recommendation?

11:40:12

11:40:15

11:40:17

18 MR. KIRSCHNER: Objection, foundation,
19 speculative.

11:40:19

11:40:21

20 A. You know, as a longtime employee of the
21 Department of State, the Deputy Secretary acts in
22 the name of the Secretary when the Secretary is
23 unable to perform his duties for whatever reason,
24 so he has signing authorities for the Secretary.
25 So I don't know what the internal dynamic was

11:40:22

11:40:29

11:40:32

11:40:34

11:40:37

11:40:39

1 leading to Deputy Secretary Sullivan signing rather
2 than Secretary Tillerson.

3 Q. Were you ever privy to any conversations
4 about why the Deputy Secretary of State engaged
5 rather than the Secretary on TPS for Sudan?

6 A. Not that I recall.

7 Q. You described the DHS Secretary being
8 particularly interested in the State Department's
9 recommendations concerning Sudan and Central
10 America. Are you describing Secretary Duke's
11 strong interest in that or the Secretary's office
12 generally?

13 MR. KIRSCHNER: Objection, confusing.

14 A. Certainly her -- her staff, her Chief of
15 Staff whose job it is to ensure that the Secretary
16 is properly staffed, especially for consequential
17 decisions, he expressed in strong terms the need to
18 get the paperwork. But I believe that Secretary
19 Duke, I believe I also had a conversation with her
20 about it. She wanted to see that input before she
21 made her decision. It was important to her
22 personally to see and consider that information.

23 Q. Was Secretary Nielsen concerned about
24 getting the State Department's input prior to
25 making a determination regarding TPS?

1 A. So I don't recall the same drama with 11:42:27
2 Secretary Nielsen that I recall specifically in the 11:42:33
3 case of Sudan and Central America with Acting 11:42:36
4 Secretary Duke. 11:42:46

5 Q. What do you recall -- 11:42:46

6 MS. MacLEAN: Scratch that. 11:42:52

7 Q. When Secretary Nielsen was Secretary, did 11:42:54
8 you have any conversations with Secretary Nielsen 11:42:58
9 regarding the State Department recommendations for 11:43:00
10 TPS? 11:43:02

11 A. I don't recall any specific conversations. 11:43:02

12 Q. Do you recall any conversations with 11:43:09
13 Secretary Nielsen's office regarding the State 11:43:13
14 Department's recommendations? 11:43:19

15 A. No. And, again, I simply don't remember 11:43:20
16 that -- that -- I don't recall it being an issue 11:43:27
17 during Secretary Nielsen's time that we couldn't 11:43:32
18 get the paperwork out of the Department of State as 11:43:35
19 it was an issue during Secretary Duke's time. So I 11:43:37
20 just don't recall it coming. 11:43:42

21 Q. Do you recall any communications with the 11:43:49
22 State Department concerning the timeliness of their 11:43:52
23 response during Secretary Nielsen's tenure while 11:43:54
24 you were at the Department? 11:43:57

25 A. You know, sometimes it's just hard for me 11:43:58

1 to remember when -- who was Secretary at a specific
2 time.

3 Q. Um-hum.

4 A. So I've described the drama surrounding
5 the timeliness of the paperwork on Sudan and then
6 on Central America, and I believe Acting Secretary
7 Duke was the Acting Secretary during both of those
8 periods of time. So again I just don't recall it
9 being an issue -- that State Department paperwork
10 being an issue during Secretary Nielsen's time.

11 Q. Do you know what the basis was of the
12 State Department --

13 MS. MacLEAN: Let's step back.

14 Q. Do you know what the process was for the
15 State Department coming up with their
16 recommendations regarding TPS determinations?

17 MR. KIRSCHNER: Objection, calls for
18 speculation.

19 A. Yeah, I don't know the specifics of
20 their -- of their internal process.

21 Q. Do you know generally what the process
22 was?

23 A. So -- yes. So the State Department would
24 make a recommendation to the Secretary of State,
25 which the Secretary of State could either accept or

1 reject. And that recommendation that went up to 11:45:14
2 the Secretary's office would go through a clearance 11:45:21
3 process within the Department of State so that all 11:45:26
4 of the various elements and entities within the 11:45:29
5 Department of State that had equities in the 11:45:31
6 decision would have their input. I described 11:45:34
7 earlier that the embassy would provide input to the 11:45:37
8 Department of State, the Bureau of Western 11:45:42
9 Hemisphere Affairs would provide input and 11:45:46
10 certainly the Bureau of Population, Refugee and 11:45:50
11 Migration would provide input. But who would 11:45:55
12 actually write the memo to the Secretary of State, 11:45:58
13 I'm not sure. 11:46:01

14 Q. Do you know what the basis was for the 11:46:02
15 recommendation that came from the Department of 11:46:05
16 State or what considerations were at issue? 11:46:06

17 MR. KIRSCHNER: Objection, calls for 11:46:08
18 speculation. 11:46:17

19 A. Yeah, very difficult question to answer. 11:46:17
20 I mean, in broad terms certainly the statute, what 11:46:19
21 does the statute say, and then foreign policy 11:46:25
22 considerations, the Department of State manages the 11:46:29
23 foreign policy of the United States, so that's 11:46:32
24 their equity in the decision. 11:46:34

25 Q. From your experience at the embassy, you 11:46:36

1 described this to some degree, and you also, I 11:46:46
2 imagine, saw this in some capacity in your position 11:46:48
3 as DHS, but did the State Department typically 11:46:51
4 consider the recommendations of diplomats in making 11:46:56
5 a recommendation concerning TPS? 11:46:59

6 MR. KIRSCHNER: Objection, calls for 11:47:01
7 speculation, vague. Compound. 11:47:04

8 A. So generally speaking, an ambassador's 11:47:11
9 input carries a tremendous amount of weight in the 11:47:14
10 Department of State. So for the Department of 11:47:18
11 State to reject an ambassador's recommendation and 11:47:20
12 make a different recommendation to the Secretary of 11:47:24
13 State, there would generally be a lot of discussion 11:47:28
14 with the ambassador about that. And so, as I say, 11:47:34
15 an ambassador's recommendation carries a lot of 11:47:40
16 weight. 11:47:45

17 Q. You said there would generally be a 11:47:45
18 significant amount of discussion if the State 11:47:49
19 Department was to reject a recommendation from the 11:47:51
20 ambassador. Typically, who would that discussion 11:47:54
21 be between? 11:47:58

22 MR. KIRSCHNER: Objection, vague, calls 11:47:58
23 for speculation. 11:48:01

24 A. So in my experience, the way that would 11:48:02
25 normally work is if the ambassador would make a 11:48:08

1 recommendation to the Bureau of Western Hemisphere 11:48:12
2 Affairs and Department of State and if that bureau 11:48:18
3 didn't agree with the ambassador's recommendation, 11:48:21
4 then they would engage with the ambassador at a 11:48:24
5 fairly high level, at least at a deputy Assistant 11:48:28
6 Secretary level or perhaps even an Assistant 11:48:31
7 Secretary level to see if they could come to some 11:48:33
8 compromise or agreement on a recommendation that 11:48:35
9 would then go forward to the Department of State. 11:48:38
10 That's my experience. 11:48:42
11 Q. Do you recall whether the ambassadors of 11:48:44
12 the countries that are currently designated for TPS 11:48:53
13 weighed into the DOS decision-making process with 11:48:56
14 regard to TPS? 11:49:00
15 MR. KIRSCHNER: Objection, vague. 11:49:02
16 Q. While you were at DHS? 11:49:04
17 MR. KIRSCHNER: Objection, vague, it's 11:49:05
18 confusing as to timing, calls for speculation. 11:49:07
19 A. So I know that some did. I know that our 11:49:09
20 ambassadors in Honduras and El Salvador, for 11:49:16
21 example, made recommendations to the Department of 11:49:20
22 State, and I would assume that other embassies did 11:49:24
23 as well. I would assume that they were asked and 11:49:28
24 then provided such a recommendation. That would be 11:49:30
25 standard procedure. 11:49:33

JAMES D. NEALON - 08/14/2018

Page 111

1 Q. So you said that you have direct knowledge 11:49:34
2 that the ambassador for Honduras weighed in. How 11:49:39
3 do you have that knowledge? 11:49:44

4 MR. KIRSCHNER: Objection, assumes facts 11:49:45
5 not in evidence, and foundation. That's not the 11:49:47
6 exact words that Ambassador Nealon said. 11:49:52

7 A. So I believe I recall seeing the input 11:49:55
8 from our embassies in El Salvador and Honduras. 11:49:57

9 Q. In what form -- 11:50:02

10 A. It -- 11:50:03

11 Q. Sorry. 11:50:04

12 A. I believe I saw -- sorry. 11:50:05

13 Q. I think I interrupted you. You were about 11:50:07
14 to say something further, so I'll let you finish 11:50:09
15 that thought before I ask the follow-up question. 11:50:13

16 A. At least in case of El Salvador, I believe 11:50:15
17 I recall seeing that recommendation in cable form, 11:50:21
18 I believe. 11:50:24

19 Q. And do you recall what input the 11:50:27
20 ambassador for Honduras had? 11:50:31

21 MR. KIRSCHNER: Objection. To the extent 11:50:34
22 this calls for internal government deliberations, I 11:50:35
23 would instruct you not to answer under the 11:50:39
24 deliberative process privilege. 11:50:41

25 MS. MacLEAN: So we'll step back before we 11:50:45

1 get close to the deliberative process privilege, 11:50:47
2 but you can obviously suggest otherwise. 11:50:51

3 Q. Did you see the type of communication that 11:50:53
4 the ambassador -- well, did you see -- did the 11:50:55
5 ambassador of Honduras himself weigh into the TPS 11:50:58
6 decision-making process for Honduras? 11:51:03

7 MR. KIRSCHNER: Objection, vague as to -- 11:51:05
8 objection, vague. 11:51:08

9 A. Yeah, so after my departure, we still 11:51:09
10 don't have an ambassador, we have a chargé 11:51:14
11 d'affaires, but she did weigh in on the TPS 11:51:17
12 decision, yes. 11:51:20

13 Q. And do you know the form in which the 11:51:22
14 chargé d'affaires weighed into that process? 11:51:25

15 A. I don't recall whether it was cable or 11:51:30
16 e-mail. 11:51:32

17 Q. Do you recall whether you saw the cable or 11:51:32
18 e-mail? 11:51:34

19 A. I believe I did. 11:51:36

20 Q. How did you see the cable or e-mail? 11:51:37

21 A. I don't recall how it arrived in my inbox, 11:51:41
22 whether it was e-mailed to me or whether I read a 11:51:47
23 hard copy, I don't recall. 11:51:50

24 Q. And the same question for the 11:51:51
25 communication -- sorry -- was it a communication 11:51:54

1 directly from the Ambassador of El Salvador that 11:51:57
2 you saw? 11:52:01

3 A. I believe I saw a communication directly 11:52:02
4 from our ambassador in El Salvador making a 11:52:04
5 recommendation, yes. 11:52:08

6 Q. And you stated previously that you thought 11:52:09
7 that that recommendation was in cable form from the 11:52:20
8 Ambassador of El Salvador? 11:52:23

9 A. I believe it was. 11:52:24

10 Q. Do you recall how you saw the cable from 11:52:24
11 the Ambassador of El Salvador? 11:52:27

12 A. Again, I don't recall whether I saw it on 11:52:27
13 my computer or whether I saw a hard copy. 11:52:30

14 Q. Can you recall generally what the 11:52:32
15 recommendation was from the ambassador -- sorry -- 11:52:38
16 the chargé d'affaires in Honduras? 11:52:44

17 MR. KIRSCHNER: Objection to the extent 11:52:48
18 that this calls for internal government 11:52:58
19 deliberations. I would instruct you not to answer 11:52:58
20 under the deliberative process privilege. I object 11:52:58
21 to the question -- excuse me. Let me start over. 11:53:00

22 Objection to the question asked to the 11:53:03
23 extent it asks for internal government 11:53:05
24 deliberations. I object under the deliberative 11:53:07
25 process privilege. 11:53:09

1 Q. Do you think you can answer the question
2 without disclosing deliberative process?

11:53:12

11:53:14

3 MR. KIRSCHNER: Objection. Calls for a
4 legal conclusion. Again, I instruct you not to
5 answer to the extent it calls for internal
6 government deliberations.

11:53:17

11:53:19

11:53:22

11:53:27

7 MS. MacLEAN: So I will leave aside the
8 questions related to the specific communications
9 from the embassy in Honduras and the embassy in El
10 Salvador, recognizing that that question is -- that
11 that issue is still being resolved by the court.

11:53:27

11:53:29

11:53:31

11:53:36

11:53:37

12 MR. KIRSCHNER: Understood.

11:53:40

13 Q. Do you know why you received the
14 recommendations from the embassies in Honduras and
15 El Salvador?

11:53:51

11:53:53

11:53:56

16 A. Yes. It would be absolutely natural that
17 I did and unnatural if I didn't. As the
18 international affairs person for the Department of
19 Homeland Security, one of my jobs was to have close
20 communications with our embassies around the world,
21 particularly on issues of consequence to the
22 Department like TPS.

11:53:58

11:54:02

11:54:06

11:54:10

11:54:13

11:54:18

11:54:21

23 Q. So would you have received those
24 communications directly from the embassy, or would
25 you have received them indirectly through the State

11:54:22

11:54:26

11:54:31

1 Department or in some other way?

11:54:35

2 A. Again, I just don't recall how I received
3 those communications.

11:54:36

11:54:38

4 Q. Was there -- to your knowledge, was there
5 anyone else in the Department of Homeland Security
6 who would also receive those kinds of
7 communications from the embassies?

11:54:39

11:54:41

11:54:43

11:54:46

8 A. I would assume that members of my staff
9 would have seen those.

11:54:48

11:54:58

10 Q. Um-hum.

11:54:59

11 A. Certain members of my staff.

11:55:01

12 Q. And when you say would have received

11:55:03

13 those, are you referring to cables with

11:55:06

14 recommendations -- sorry -- when you say you and

11:55:11

15 members of your staff would have received these

11:55:13

16 communications from embassies, are you referring to

11:55:16

17 cables, e-mails and other communications concerning

11:55:20

18 recommendations from embassies about TPS

11:55:24

19 determinations?

11:55:26

20 A. Yes. So to be clear, it's -- if those
21 recommendations were cabled, then -- then certainly
22 certain members of my staff would have had access
23 to those cables and would have seen them.

11:55:27

11:55:31

11:55:37

11:55:40

24 If those recommendations were e-mailed,

11:55:42

25 then it's a lot less likely that members of my

11:55:44

1 staff would have been copied on those e-mails.

11:55:48

2 Q. And why would members of your staff be
3 more likely to have received the cables?

11:55:52

11:55:56

4 A. Because a cable is a formal process and
5 there's a -- there's a formal way to get access to
6 State Department cables; whereas an e-mail, as you
7 know, is directed from a sender to a recipient and
8 very unlikely that ambassadors at our embassies
9 would have sent those e-mails to members of my
10 staff. They would have sent them to me, but they
11 wouldn't have sent them to members of my staff.

11:55:57

11:56:00

11:56:03

11:56:06

11:56:10

11:56:15

11:56:18

11:56:20

12 Q. And you said there's a formal way to
13 receive cables. What is the formal way to receive
14 cables?

11:56:21

11:56:23

11:56:26

15 A. I don't really know what the formal way to
16 receive cables is. But the State Department cables
17 can be accessed by lots of different U.S.
18 government agencies.

11:56:26

11:56:29

11:56:31

11:56:37

19 Q. And is the DHS Office of Policy one of
20 those agencies that can regularly access cables --

11:56:40

11:56:42

21 A. Certain members of the Office of Policy
22 have access to State Department cables.

11:56:45

11:56:48

23 Q. And to your knowledge, who were those
24 members?

11:56:49

11:56:52

25 A. I don't know who those members were.

11:56:52

JAMES D. NEALON - 08/14/2018

Page 117

1 Q. You were one of those members?

11:56:53

2 A. I did not have easy access to State
3 Department cables, believe it or not, and often
4 depended on the kindness of strangers to -- to see
5 communications.

11:56:55

11:56:58

11:57:01

11:57:04

6 Q. Were the strangers who offered their
7 kindness in accessing State Department cables
8 within the DHS Office of Policy?

11:57:05

11:57:08

11:57:11

9 A. Often what would happen is that the
10 senders of the cables from our embassies overseas
11 would copy me on those cables or they would tell me
12 look for this cable, and I would have one of my
13 staff members look for it and get me a copy of the
14 cable.

11:57:13

11:57:16

11:57:20

11:57:27

11:57:29

11:57:33

15 Q. But is it fair to say from what you're
16 describing that one of your staff members could get
17 access to those State Department -- sorry -- could
18 get access to one of those embassy cables if you
19 wanted or needed that?

11:57:33

11:57:36

11:57:39

11:57:41

11:57:45

20 A. Yes.

11:57:47

21 MR. KIRSCHNER: Objection. I was going to
22 say objection, foundation, putting words in
23 Ambassador Nealon's mouth. Let Ambassador Nealon
24 speak for himself.

11:57:47

11:57:49

11:57:51

11:58:01

25 A. Yes.

11:58:02

1 Q. And so you recalled having seen either 11:58:03
2 communications regarding TPS in cable or e-mail 11:58:05
3 form for Honduras and El Salvador. Do you 11:58:08
4 recall -- is that correct? 11:58:13

5 A. Yes. 11:58:14

6 Q. Do you recall having seen cables regarding 11:58:14
7 any other country that was up for review for TPS 11:58:17
8 during the time that you were there? 11:58:22

9 A. I don't recall seeing any other embassy 11:58:30
10 communications, no. 11:58:35

11 Q. Do you recall any communications with the 11:58:36
12 Sudanese embassy or diplomats that are charged with 11:58:39
13 issues related to Sudan? 11:58:47

14 A. No. 11:59:00

15 Q. Do you recall seeing any cables or e-mails 11:59:00
16 or communications from the embassy in Haiti? 11:59:03

17 A. No. 11:59:05

18 Q. And same question with regard to 11:59:21
19 Nicaragua. 11:59:27

20 A. I remember having some communication with 11:59:31
21 our ambassador in Nicaragua, but I don't recall 11:59:36
22 whether I actually saw her input on whether or not 11:59:45
23 TPS should be extended for Nicaragua. 11:59:47

24 Q. Do you recall approximately when you had 11:59:50
25 communication with the Ambassador in Nicaragua 11:59:55

1 regarding TPS?

11:59:59

2 A. No. But it would have been in the -- in
3 the short period of time leading up to the deadline
4 for the Secretary to make a decision.

12:00:00

12:00:02

12:00:05

5 Q. I imagine this will draw a deliberative
6 process privilege exception from your counsel, but
7 do you recall what the communication was with the
8 Ambassador in Nicaragua?

12:00:07

12:00:11

12:00:14

12:00:17

9 MR. KIRSCHNER: So I'm going to object,
10 but I'm going to ask, Ambassador Nealon, you had
11 said in your response that you do not remember a
12 recommendation, so to the extent this is calling
13 for internal government deliberations, I would
14 instruct you not to answer. To the extent there's
15 a general answer that can provide a response to the
16 question, you could provide such a response.

12:00:18

12:00:19

12:00:22

12:00:25

12:00:29

12:00:40

12:00:34

12:00:37

17 A. Yeah, I don't recall what her
18 recommendation was. I don't recall seeing a
19 recommendation, so I don't recall what her
20 recommendation was.

12:00:44

12:00:45

12:00:47

12:00:49

21 Q. Do you recall what the recommendation was
22 from the Deputy Secretary of State concerning the
23 TPS determination of Sudan?

12:00:50

12:01:00

12:01:07

24 A. Yes.

12:01:11

25 Q. What was the recommendation?

12:01:12

JAMES D. NEALON - 08/14/2018

Page 120

1 A. Extension.

12:01:13

2 Q. Do you recall communications with Acting
3 Secretary Duke concerning the State Department's
4 recommendation?

12:01:14

12:01:18

12:01:19

5 MR. KIRSCHNER: Objection, vague, and lack
6 of foundation of who is -- you're talking about --
7 counsel is talking about when referring to
8 communications.

12:01:21

12:01:25

12:01:28

12:01:30

9 Q. Do you recall communications that you had
10 directly with the Acting Secretary of State
11 concerning the Department of State's recommendation
12 to extend TPS for Sudan?

12:01:31

12:01:32

12:01:35

12:01:39

13 MR. KIRSCHNER: Objection, confusing. I
14 think you referred to Acting Secretary of State.

12:01:42

12:01:45

15 MS. MacLEAN: Let me start again.

12:01:48

16 Q. Did you have communications with Acting
17 Secretary Duke concerning the Deputy Secretary of
18 State's recommendation to extend TPS for Sudan?

12:01:50

12:01:56

12:01:59

19 A. So what I recall regarding the decision on
20 Sudan was that all of my discussions were about
21 needing this paperwork. I don't recall a
22 substantive conversation with Acting Secretary Duke
23 about the merits of the case.

12:02:02

12:02:06

12:02:17

12:02:21

12:02:25

24 Q. Do you recall any communications with the
25 -- with anyone at the Department of State

12:02:29

12:02:39

1 concerning the merits of their recommendation --
2 the State Department's recommendation concerning
3 TPS for Sudan?

12:02:41

12:02:46

12:02:49

4 A. Yeah. And, again, it's difficult for me
5 to separate, you know, phone conversations from a
6 long time ago. But I believe -- I believe I had a
7 conversation with a Deputy Assistant Secretary in
8 the Bureau of African Affairs about the merits of
9 the Sudan case. But I don't recall his name at the
10 moment.

12:02:54

12:02:56

12:03:00

12:03:07

12:03:10

12:03:17

12:03:20

11 Q. Do you recall -- do you recall whether you
12 initiated that communication or whether someone
13 from the State Department initiated that
14 communication?

12:03:21

12:03:26

12:03:28

12:03:30

15 A. I don't recall.

12:03:31

16 Q. Do you recall what you communicated during
17 that communication?

12:03:33

12:03:39

18 MR. KIRSCHNER: Objection. To the extent
19 it calls for internal government deliberations, I
20 would instruct you not to answer under the
21 deliberative process privilege.

12:03:39

12:03:41

12:03:45

12:03:46

22 MS. MacLEAN: I would assume the same
23 would apply for the question about what the
24 communication was from the State Department side
25 regarding Sudan?

12:03:49

12:03:51

12:03:53

12:03:56

JAMES D. NEALON - 08/14/2018

Page 122

1 MR. KIRSCHNER: Again, I'd object under 12:03:57
2 the deliberative process privilege to the extent 12:03:59
3 this calls for internal government deliberations. 12:04:02

4 Q. Do you recall any substantive 12:04:07
5 conversations with the Department of State 12:04:09
6 regarding any of the other TPS determinations, 12:04:11
7 again, distinguishing here between communications 12:04:14
8 with the State Department about the timeliness of 12:04:17
9 their response from substantive communications 12:04:19
10 about what their recommendation might be or what 12:04:22
11 factors would go into their recommendation? 12:04:24

12 A. Yes. 12:04:26

13 Q. About which countries? 12:04:26

14 A. I recall conversations about El Salvador 12:04:35
15 and Honduras -- El Salvador and Honduras. I 12:04:37
16 believe Syria, also. 12:04:49

17 Q. Do you recall -- well, are these separate 12:04:50
18 conversations that you're recalling? 12:04:57

19 A. You know, I had a number of conversations 12:04:58
20 with the Department of State about -- about those 12:05:01
21 countries. 12:05:03

22 Q. So let's start with El Salvador. 12:05:04

23 Do you recall with whom you communicated 12:05:08
24 at the Department of State concerning substantive 12:05:10
25 issues related to the State Department's input 12:05:14

1 concerning TPS for El Salvador?

12:05:17

2 A. Yeah. Generally, I would have

12:05:19

3 communicated with the Deputy Assistant Secretary in

12:05:21

4 the Bureau of Western Hemisphere Affairs whose name

12:05:27

5 is John Creamer, C-r-e-a-m-e-r.

12:05:31

6 Q. And Deputy Assistant Secretary in Western

12:05:39

7 Hemisphere Affairs?

12:05:43

8 A. Yes.

12:05:43

9 Q. Do you recall approximately how many times

12:05:43

10 you communicated with him regarding the State

12:05:48

11 Department's input in the TPS determination of El

12:05:51

12 Salvador?

12:05:52

13 A. I don't.

12:05:52

14 Q. Do you recall the role of Mr. Creamer in

12:05:52

15 the -- in crafting the recommendation from the

12:05:56

16 State Department to the Department of Homeland

12:06:00

17 Security concerning TPS?

12:06:03

18 A. So, again, I don't know precisely what the

12:06:04

19 State Department's process was for drafting their

12:06:09

20 -- their recommendation to the Secretary, but John

12:06:12

21 Creamer was the Deputy Assistant Secretary of State

12:06:18

22 for Mexico and Central America. So he would have

12:06:20

23 been -- he probably would have been the person in

12:06:25

24 touch with our embassies, gathering their input and

12:06:32

25 would have been -- he and his staff would have been

12:06:36

1 drafting the Bureau of Western Hemisphere's input 12:06:40
2 into the Secretary's recommendation. 12:06:45

3 Who actually drafted the memo to the 12:06:49
4 Secretary, I don't know. 12:06:51

5 Q. Do you know if Mr. Creamer is a political 12:06:52
6 appointee or a career State Department employee? 12:06:56

7 A. He's a career State Department employee. 12:06:58

8 Q. Do you know how long he's been in the 12:07:00
9 State Department, roughly? 12:07:02

10 A. 30 some years. 12:07:04

11 Q. Can you describe in general terms your 12:07:07
12 communications with Mr. Creamer concerning TPS for 12:07:13
13 El Salvador? 12:07:17

14 MR. KIRSCHNER: Objection. To the extent 12:07:17
15 that this calls for internal government 12:07:19
16 deliberations, I instruct you not to answer. To 12:07:22
17 the extent you can provide a general answer in a 12:07:25
18 way that does not respond to internal government 12:07:27
19 deliberations, feel free to do so. 12:07:31

20 A. So these conversations were sort of the 12:07:32
21 definition of deliberative in that I would call him 12:07:34
22 or he would call me, and we would discuss the 12:07:38
23 process and we would discuss where we thought the 12:07:43
24 Department of State would eventually end up in 12:07:50
25 terms of a decision because that was important 12:07:52

1 information for me to have so that I could 12:07:54
2 communicate that to the Secretary of Homeland 12:07:56
3 Security. 12:08:09

4 MS. MacLEAN: I would ask further 12:08:09
5 questions concerning the details of those 12:08:09
6 conversations. I understand that you're asserting 12:08:09
7 a deliberative process privilege and that that 12:08:11
8 issue is still outstanding with the court. 12:08:14

9 MR. KIRSCHNER: I would object to any of 12:08:14
10 the questions concerning the details of those 12:08:15
11 conversations, about what those internal 12:08:17
12 deliberations were under the deliberative process 12:08:19
13 privilege. 12:08:23

14 Q. So I'm going to ask you the same series of 12:08:23
15 questions with regard to Honduras. 12:08:28

16 With whom did you communicate on 12:08:29
17 substantive matters concerning the State 12:08:31
18 Department's recommendation into the TPS 12:08:34
19 determination for Honduras for -- yeah, for 12:08:37
20 Honduras? 12:08:40

21 A. Yes. So I would have communicated, again, 12:08:41
22 with Mr. Creamer, as well as with Mr. Henshaw 12:08:43
23 because it's important to understand that those are 12:08:51
24 the two key bureaus that the Department of State -- 12:08:53
25 that would provide input to the Secretary on 12:08:59

1 temporary protected status. So I was talking to
2 both of those bureaus.

3 Q. And do you recall if Mr. Henshaw is a
4 political appointee or a career appointee?

5 A. Career officer.

6 Q. A career officer.

7 Can you describe in general terms what
8 kinds of communications you had on the substantive
9 recommendation concerning the TPS determination for
10 Honduras with Mr. Creamer or Mr. Henshaw?

11 A. So absolutely deliberative in nature.
12 Again, me trying to get information on when we
13 could expect the paperwork and what we could expect
14 the paperwork to say.

15 Q. And based on the prior communications from
16 your counsel, I will hold off on further questions
17 concerning the details of the conversations you had
18 with Mr. Creamer and Mr. Henshaw concerning the TP
19 -- the State Department's recommendation on TPS for
20 Honduras with the understanding that that may come
21 up in the future, depending on how the court
22 resolves this issue, with apologies for your time.

23 With regard to Syria, whom did you
24 communicate with regarding substantive issues
25 concerning the State Department's recommendations

1 concerning Syria?

12:10:30

2 A. You know, I may have to walk that back.

12:10:32

3 Now that I think about it, I don't recall

12:10:43

4 communicating directly with Department of State

12:10:47

5 about Syria.

12:10:49

6 Q. So besides El Salvador, Honduras and

12:11:01

7 Sudan, were there other countries that were up for

12:11:04

8 TPS review during your tenure at DHS where you

12:11:08

9 communicated with the State Department on

12:11:13

10 substantive matters related to the State

12:11:14

11 Department's recommendation?

12:11:17

12 A. Yes. So I recall having some

12:11:24

13 conversations about Haiti -- yeah, Haiti.

12:11:28

14 Q. And with whom did you communicate at the

12:11:48

15 State Department concerning substantive matters

12:11:50

16 related to Haiti's TPS determination?

12:11:54

17 A. So I had far fewer conversations with the

12:11:56

18 State Department related to Haiti than I did

12:11:58

19 related to Central America, but I would have

12:12:01

20 communicated with a gentleman named Ken Merten. I

12:12:03

21 believe it's M-e-r-t-e-n, I think.

12:12:09

22 Q. And is that Ken or Kent?

12:12:13

23 A. Ken, no T. And he's a Deputy Assistant

12:12:14

24 Secretary of State in the Bureau of Western

12:12:22

25 Hemisphere Affairs.

12:12:34

1 Q. Do you recall if he's a career officer or 12:12:34
2 political appointee? 12:12:37

3 A. Career officer. 12:12:38

4 Q. Do you recall when you had communications 12:12:39
5 with Mr. Merten? 12:12:41

6 A. Not specifically, no. 12:12:46

7 Q. Do you recall in general terms the subject 12:12:56
8 matter of your communications with Mr. Merten? 12:12:58

9 A. Yes. You know, by the time I got to 12:13:01
10 Homeland Security, there was a general feeling that 12:13:13
11 TPS for Honduras -- I'm sorry, for Haiti was going 12:13:24
12 to be terminated, and so I believe I had 12:13:25
13 conversations with Mr. Merten about -- about the 12:13:32
14 decision itself and about what the implications of 12:13:36
15 that decision might be for U.S. policy and what 12:13:40
16 sorts of things we could do to help mitigate the 12:13:43
17 consequences of that decision. 12:13:47

18 Q. You said that by the time you got to DHS 12:13:48
19 in early July, there was a general feeling that TPS 12:13:53
20 for Haiti was going to be terminated. 12:13:58

21 In your recollection, what created that 12:14:01
22 general feeling? 12:14:03

23 A. I don't recall anything specific. I just 12:14:03
24 recall when I came on board that that was my 12:14:10
25 feeling and observation. 12:14:15

1 Q. So you then described your communications 12:14:17
2 with Mr. Merten as essentially having the backdrop 12:14:29
3 of an expected termination of TPS for Haiti? 12:14:33

4 A. That's my recollection. 12:14:36

5 Q. Is it your recollection that that general 12:14:37
6 feeling around the likely imminent end of TPS for 12:14:38
7 Haiti was from the very beginning of your tenure at 12:14:45
8 DHS? 12:14:48

9 A. I do recall that, because I recall that -- 12:14:48
10 that I got that sense from General Kelly. 12:14:54

11 Q. Did you have specific communications with 12:14:56
12 General Kelly about that? 12:14:59

13 MR. KIRSCHNER: Object. I mean, to the 12:15:00
14 extent this is getting into internal government 12:15:02
15 deliberations of your communications, I would 12:15:06
16 instruct you not to answer. 12:15:15

17 MS. MacLEAN: You can identify whether 12:15:15
18 this is a question that you would instruct him not 12:15:15
19 to answer or not. 12:15:15

20 Q. But did you have specific communications 12:15:19
21 that you recall with General Kelly concerning the 12:15:21
22 expected termination of TPS for Haiti? 12:15:26

23 A. I believe I had one conversation with him 12:15:29
24 about Haiti and TPS. 12:15:32

25 Q. And was that communication before he left 12:15:34

1 the Department?

12:15:38

2 A. Yes.

12:15:39

3 Q. And was that communication related to the
4 expected end of TPS for Haiti?

12:15:40

12:15:51

5 A. You know what it was, it was a
6 conversation between two old friends.

12:15:53

12:15:58

7 Q. Um-hmm. Can you say anything further
8 about the conversation?

12:16:04

12:16:07

9 MR. KIRSCHNER: Again, I object --

12:16:07

10 A. It was deliberative.

12:16:08

11 Q. Okay.

12:16:12

12 MS. MacLEAN: I understand that lunch is
13 ready, so if you don't mind, we'll ask a few more
14 questions and then we take a break for lunch unless
15 you'd rather take a break right now?

12:16:29

12:16:31

12:16:35

12:16:38

16 MR. KIRSCHNER: Can we take a two-minute
17 break just to see where we are on timing and check
18 with Ambassador Nealon where he would want to take
19 a break.

12:16:38

12:16:40

12:16:43

12:16:48

20 MS. MacLEAN: No problem.

12:16:49

21 THE VIDEOGRAPHER: Time is 12:16. We are
22 off the record.

12:16:50

12:16:52

23 (Proceedings interrupted at 12:16 p.m. and
24 reconvened at 1:00 p.m.)

12:16:53

13:00:24

25 THE VIDEOGRAPHER: Time is 1:00 p.m. We

13:00:26

1 are back on the record.

13:00:36

2 BY MS. MacLEAN:

13:00:37

3 Q. Ambassador Nealon, you had mentioned

13:00:38

4 previously that you would check during the break

13:00:41

5 about the key DHS Office of Policy staff who were

13:00:44

6 involved in TPS decisions. Were you able to

13:00:49

7 identify that?

13:00:52

8 MR. KIRSCHNER: Objection. I think that

13:00:53

9 misrepresents Ambassador Nealon's testimony. I

13:00:55

10 think he said that he would try to remember, not

13:00:58

11 that he was going to be checking any documentation.

13:01:01

12 MS. MacLEAN: Fair enough.

13:01:04

13 Q. Are there now DHS Office of Policy staff

13:01:05

14 who were involved in TPS decisions that you can

13:01:07

15 recall?

13:01:10

16 A. So I think I can be pretty clear about

13:01:10

17 this. So there aren't really Office of Policy

13:01:12

18 staff involved in the TPS decisions, because the

13:01:18

19 decision really is -- really was and really is the

13:01:23

20 Secretary's decision. So there were -- and to the

13:01:28

21 extent that the Secretary wanted the Office of

13:01:34

22 Policy's opinions about TPS, she would come to me.

13:01:37

23 So there are other people in the Office of Policy

13:01:41

24 who would participate in meetings or, you know, get

13:01:45

25 involved in some way, but it wouldn't be accurate

13:01:51

JAMES D. NEALON - 08/14/2018

Page 132

1 to say that those people were involved in the TPS 13:01:56
2 decision, I wouldn't say. 13:02:00

3 Q. And the -- 13:02:02

4 A. So for example, there are people who would 13:02:03
5 help arrange meetings when the Salvadorians or the 13:02:06
6 Hondurans called and wanted to meet with the 13:02:11
7 Secretary or meet with me, so they would get 13:02:15
8 involved in that way. But I'm having a hard time 13:02:17
9 thinking of other people in the Office of Policy 13:02:23
10 who were really directly involved in the TPS 13:02:25
11 decision process. 13:02:30

12 I would say with the exception of my Chief 13:02:32
13 of Staff who I mentioned previously, Briana Petyo, 13:02:37
14 who -- the Chief of Staff was sort of my alter ego, 13:02:40
15 and so she would sometimes substitute for me at 13:02:45
16 meetings and things like that. So she tended to 13:02:47
17 know what I knew and vice versa. 13:02:50

18 Q. That's very helpful. 13:02:53

19 A. So I hope that's a better answer. 13:02:55

20 Q. That's a very fair answer, and I don't 13:02:56
21 think we need further follow-up questions. 13:02:59

22 The one other item that I wanted to ask 13:03:01
23 you about from before the break is that you had 13:03:04
24 mentioned that when there are concerns from an 13:03:06
25 ambassador, they wouldn't be easily rejected and 13:03:10

1 there would be a response at a fairly high level at 13:03:14
2 the State Department. Is that a reasonably fair 13:03:16
3 reflection, or would you like to correct that 13:03:19
4 reflection? 13:03:21

5 A. Yes. So we were talking specifically 13:03:22
6 about TPS. And so when the State Department has to 13:03:24
7 make a recommendation about something like TPS, 13:03:32
8 they're in the first instance going to go to their 13:03:35
9 eyes and ears on the ground in the country in 13:03:39
10 question, which is their ambassador, and they're 13:03:42
11 going to solicit their ambassador's opinion. And 13:03:45
12 that opinion is going to carry a lot of weight. 13:03:47
13 And if the State Department is going to make a 13:03:50
14 recommendation to the Secretary contrary to the 13:03:52
15 Ambassador's recommendation, that would be a thing 13:03:56
16 that would have to be worked out between, for the 13:03:59
17 most part, the geographic bureau, in this case the 13:04:05
18 Bureau of Western Hemisphere Affairs and the 13:04:08
19 ambassador. That's the point I was trying to make. 13:04:15

20 Q. And is it your understanding or your 13:04:17
21 recollection that during your tenure at DHS, there 13:04:19
22 were conflicts between the embassies, the 13:04:22
23 ambassadors on the ground, and the State Department 13:04:24
24 recommendation regarding TPS? 13:04:27

25 MR. KIRSCHNER: Objection. To the extent 13:04:29

1 this is calling for internal deliberations within 13:04:31
2 the government, I would instruct you not to answer. 13:04:34

3 (Exhibit 34, E-mail dated Monday, May 14, 13:05:00
4 2018, 3:55 p.m., marked for identification.) 13:05:01

5 Q. I'll give you a moment to look at what has 13:05:01
6 been marked as Exhibit 34. 13:05:04

7 And if you could just review up to "main 13:05:51
8 conclusions," we'll cover that part first. 13:05:53

9 MR. KIRSCHNER: Sorry. Are you saying 13:05:57
10 you're going to ask questions before "main 13:05:58
11 conclusions" or questions -- 13:06:02

12 MS. MacLEAN: Before "main conclusions." 13:06:03

13 MR. KIRSCHNER: Okay. 13:06:05

14 A. Okay. 13:06:38

15 Q. So first, what I think is a pretty basic 13:06:39
16 question, the last bullet point in the list of 13:06:44
17 bullet points on the top of page 2 speaks about 13:06:48
18 diplomatic cables from the U.S. embassies in El 13:06:52
19 Salvador, Haiti, and Honduras and identifies 13:06:57
20 certain cables by numbers such as San Salvador 860. 13:06:58
21 Do you recognize that numbering system or labeling 13:07:05
22 system for diplomatic cables? 13:07:07

23 A. I do. 13:07:10

24 Q. Can you identify, starting at San Salvador 13:07:10
25 860 dated July 7, 2017, what that would mean? 13:07:14

JAMES D. NEALON - 08/14/2018

Page 135

1	A. So cables, which are official	13:07:17
2	communications between the Department of State and	13:07:20
3	its embassies overseas are numbered by year. So	13:07:24
4	San Salvador 860 would presumably be the 860th	13:07:31
5	cable that that embassy had sent in that calendar	13:07:36
6	year.	13:07:42

7	Q. And I presume the date is the date that	13:07:42
8	the cable was sent?	13:07:44

9	A. Correct.	13:07:46
---	-------------	----------

10	Q. And the city, San Salvador, identifies	13:07:46
11	the --	13:07:56

12	A. Sorry. The sending post.	13:07:56
----	-----------------------------	----------

13	Q. Okay. Great.	13:07:57
----	-----------------	----------

14	Do you recognize any of the cables that	13:07:59
15	are identified there as cables that you had seen,	13:08:09
16	from your recollection?	13:08:11

17	A. So there's nothing in the cable numbering	13:08:12
18	system that would allow me to identify the subject	13:08:16
19	matter of the cable. But the bullet point says	13:08:19
20	that these are in fact the cables that were sent	13:08:21
21	from the U.S. embassies in those three countries to	13:08:24
22	the Department of State containing the ambassadors'	13:08:27
23	recommendations on TPS.	13:08:30

24	Q. Would you have been likely to see those	13:08:31
25	recommendations?	13:08:33

1 A. So as I stated before, I do recall seeing 13:08:34
2 the cable from San Salvador. I remember seeing 13:08:40
3 either the cable or an e-mail copy from 13:08:45
4 Tegucigalpa; I don't recall seeing the 13:08:50
5 Port-au-Prince recommendation, though I may have. 13:08:52

6 Q. Do you know if the Department of Homeland 13:08:56
7 Security had those cables in its possession, where 13:09:00
8 those cables would be? 13:09:02

9 MR. KIRSCHNER: Objection, assumes facts 13:09:06
10 not in evidence, foundation. 13:09:08

11 A. So no, I'm not -- I'm not familiar enough 13:09:12
12 with how the Department of Homeland Security 13:09:15
13 archives cables so, no, I wouldn't know. 13:09:18

14 Q. Okay. So moving on, the next sentence 13:09:21
15 reads, "SFRC Democratic staff determined that then 13:09:28
16 Secretary Tillerson's recommendation that the 13:09:33
17 Department of Homeland Security, DHS, should 13:09:36
18 terminate the TPS designations for El Salvador, 13:09:39
19 Haiti, and Honduras was a result of an overtly 13:09:42
20 political process." 13:09:47

21 Is there anything in your knowledge of the 13:09:48
22 process that would identify the process as an 13:09:50
23 overtly political process? 13:09:53

24 MR. KIRSCHNER: Objection, calls for 13:09:55
25 speculation. 13:09:58

1 A. So I'm not familiar enough with the 13:09:58
2 process at the State Department, nor did I have 13:10:09
3 first-hand visibility into the process at the State 13:10:12
4 Department to really answer that question. 13:10:15

5 Q. Is there anything in your knowledge from 13:10:17
6 your experience at DHS and communicating with the 13:10:19
7 State Department that would give you an 13:10:22
8 understanding that the process was in some way 13:10:24
9 political? 13:10:26

10 MR. KIRSCHNER: Objection, asks for 13:10:26
11 conjecture, for speculation. 13:10:27

12 A. So I did have conversations with people at 13:10:41
13 the State Department that were deliberative in 13:10:50
14 nature that touched on the question you're asking. 13:10:55

15 Q. So you can essentially recall some 13:11:03
16 communications related to the political nature of 13:11:08
17 the TPS recommendations from the State Department 13:11:12
18 but would hold off answering because of the 13:11:15
19 deliberative process privilege? 13:11:18

20 MR. KIRSCHNER: Objection, 13:11:19
21 mischaracterizes his testimony. He just testified 13:11:20
22 that he has deliberative conversations that may 13:11:22
23 provide a response to the question, not whether 13:11:28
24 that he accepts the premise of the question. To 13:11:31
25 the extent that this calls for internal 13:11:35

1 deliberations, I would instruct you not to answer, 13:11:38
2 but I also object that the question was a 13:11:41
3 mischaracterization of Ambassador Nealon's 13:11:43
4 testimony. 13:11:47

5 Q. Just to make sure that I understand it 13:11:47
6 well without going into deliberative process 13:11:49
7 privilege communications at this time, would you 13:11:52
8 elaborate, in general terms, what you had 13:11:54
9 previously stated? 13:11:56

10 A. Yes. So in the conversations -- in some 13:11:58
11 of the conversations that I had with people at the 13:12:02
12 Department of State about TPS, we did discuss 13:12:05
13 whether or not the process had been or was being 13:12:11
14 politicized. 13:12:21

15 Q. Who did you have those conversations with? 13:12:24

16 MR. KIRSCHNER: Again, I instruct 13:12:32
17 Ambassador Nealon not to answer to the extent that 13:12:34
18 they call for internal deliberations. You can 13:12:36
19 answer generally the individuals you had 13:12:36
20 conversations with about the process of TPS within 13:12:36
21 the State Department, but the specifics of what you 13:12:42
22 were talking with certain individuals about, I 13:12:44
23 would instruct you not to answer. 13:12:46

24 A. So as I've already stated, there were a 13:12:51
25 couple of people that I spoke to on a fairly 13:12:57

1 regular basis at the State Department about TPS. 13:13:01

2 Q. And were those the people that you had the 13:13:04
3 conversations -- that you were previously 13:13:10
4 describing as related to whether or not the process 13:13:13
5 was or was being politicized? 13:13:17

6 A. Yes. 13:13:19

7 Q. Okay. So the next line reads, "That 13:13:20
8 process deliberately disregarded the counsel and 13:13:27
9 expertise of officials at the State Department and 13:13:30
10 the U.S. embassies in all three countries which 13:13:34
11 uniformly argued for an extension of the TPS 13:13:37
12 designations." 13:13:40

13 Did you understand the U.S. embassies 13:13:41
14 uniformly arguing for an extension of the TPS 13:13:46
15 designation? 13:13:49

16 MR. KIRSCHNER: Objection, again to the 13:13:50
17 extent this calls for internal deliberations, 13:13:51
18 including recommendations within the -- internal 13:13:53
19 recommendations within the government, I instruct 13:13:56
20 you not to answer under the deliberative process 13:13:58
21 privilege. 13:14:01

22 Q. So the next line reads, "SFRC Democratic 13:14:03
23 staff also determined that the White House Domestic 13:14:06
24 Policy Council sought repeatedly to influence the 13:14:11
25 outcome" -- sorry, "to influence the 13:14:14

1 decision-making processes at the State Department 13:14:14
2 and DHS in order to ensure a predetermined outcome, 13:14:16
3 the termination of TPS designations for all three 13:14:20
4 countries." 13:14:22

5 Are you familiar with the White House 13:14:25
6 Domestic Policy Council? 13:14:27

7 A. Yes. 13:14:28

8 Q. How are you familiar with the Domestic 13:14:29
9 Policy Council? 13:14:33

10 A. I'm generally pretty familiar with the 13:14:33
11 organization of the U.S. government. And during my 13:14:34
12 time at DHS, I was in meetings where they were also 13:14:37
13 present, members of the Domestic Policy Council 13:14:41
14 were also present. 13:14:44

15 Q. Do you recall who from the Domestic Policy 13:14:45
16 Council was present in the meetings in which you 13:14:48
17 were present? 13:14:50

18 A. I won't remember every time I was in a 13:14:51
19 meeting where members of the Domestic Policy 13:14:54
20 Council were present, because I don't know who all 13:14:58
21 -- who they all are. 13:15:00

22 I was in meetings, a couple of meetings 13:15:01
23 with Stephen Miller, with a gentleman named John 13:15:04
24 Zadrozny, if I have that correct, Z -- somebody 13:15:12
25 will have to help me, Z-a-d-r-o-z-n-y; is that 13:15:13

1 correct?

13:15:21

2 Q. I think that's correct, but we can check
3 during the break and confirm.

13:15:21

13:15:24

4 A. And I know there were other members of the
5 Domestic Policy Council at times present in
6 meetings where I was present.

13:15:25

13:15:28

13:15:29

7 Q. In the meetings that you were present
8 where the Domestic Policy Council was -- members of
9 the Domestic Policy Council or people that you
10 thought were connected to the Domestic Policy
11 Counsel were present, was TPS ever discussed?

13:15:31

13:15:33

13:15:35

13:15:35

13:15:39

12 A. So I don't remember specific instances
13 where TPS was discussed, though it's -- though it's
14 possible.

13:15:41

13:15:43

13:15:48

15 Q. Do you recall any experiences or
16 information that you have from your time at DHS
17 that would suggest that the White House Domestic
18 Policy Council sought to influence the
19 decision-making processes at the State Department
20 and DHS?

13:15:48

13:15:58

13:16:02

13:16:07

13:16:08

13:16:10

21 MR. KIRSCHNER: Objection. To the extent
22 this calls for internal government deliberations, I
23 would instruct you not to answer. To the extent
24 you can provide general input about -- just
25 generally about kind of like you were saying about

13:16:11

13:16:12

13:16:15

13:16:17

13:16:20

1 meetings, about Domestic Policy Council, you can 13:16:24
2 provide those responses of what the subject matter 13:16:27
3 of the meetings were, but to the extent it talks 13:16:30
4 about internal government deliberations, I would 13:16:33
5 instruct you not to answer. 13:16:37

6 Q. I guess a yes-or-no question first. 13:16:39

7 A. You want to restate the question? 13:16:42

8 Q. Yeah. Do you -- is there anything from 13:16:43
9 your experience or -- yeah, either direct 13:16:45
10 experience or indirect experience, information from 13:16:50
11 others while you were working at DHS that led you 13:16:52
12 to believe or suspect, as stated in this report, 13:16:57
13 that the White House Domestic Policy Council sought 13:17:04
14 to influence the decision-making processes at the 13:17:08
15 State Department and DHS regarding the TPS 13:17:11
16 determinations? 13:17:14

17 MR. KIRSCHNER: Objection, calls for 13:17:14
18 speculation. 13:17:21

19 A. Um, so this is one of those things where 13:17:21
20 I'm really not quite sure how to answer. 13:17:23

21 MR. KIRSCHNER: To the extent that this 13:17:26
22 calls about internal government deliberations, I 13:17:28
23 would instruct you not to answer. And I also 13:17:31
24 object that the question calls for speculation. 13:17:34

25 So to the extent it calls for internal 13:17:36

1 government deliberations and your answer -- to 13:17:40
2 provide an answer to the question asked would be 13:17:41
3 revealing of internal government deliberations, 13:17:44
4 then I would instruct you not to answer. 13:17:47

5 A. Okay. So I'm not going to answer based on 13:17:49
6 that objection. 13:17:52

7 Q. Okay. Can you turn to the second to last 13:17:53
8 page, page 4, there are two final paragraphs. If 13:18:48
9 you could just read those, I'd appreciate it. 13:18:51

10 MR. KIRSCHNER: Page 4 or page -- oh, 13:18:55
11 sorry. I guess page 5 is the last page, but it has 13:18:57
12 footnotes, so you're referring to the last two 13:19:01
13 paragraphs on page 4; is that correct? 13:19:03

14 MS. MacLEAN: Yes. 13:19:05

15 A. Okay. 13:19:29

16 Q. So the second to last paragraph starts 13:19:29
17 with, "Under the Trump administration, DHS has 13:19:37
18 adopted a new and strict interpretation of the 13:19:41
19 statute governing TPS. The administration argues 13:19:43
20 that TPS can only be renewed if conditions upon 13:19:47
21 which the country's original designation was based 13:19:51
22 with an assessment of whether those originating 13:19:53
23 conditions continue to exist." 13:19:57

24 Is it your understanding from your time at 13:20:02
25 DHS that this was the interpretation of the TPS 13:20:04

1 statute that DHS was relying on? 13:20:07

2 MR. KIRSCHNER: Objection, calls for 13:20:14

3 speculation. 13:20:15

4 A. So it's my recollection during my time at 13:20:15

5 DHS that strict interpretation of the statute was a 13:20:18

6 point of view that was held by certain people at 13:20:23

7 DHS, yes. 13:20:28

8 Q. Who were the people that it was held by, 13:20:29

9 to your recollection? 13:20:31

10 MR. KIRSCHNER: Objection. To the extent 13:20:32

11 this calls for internal government deliberations, I 13:20:33

12 would instruct you not to answer. 13:20:37

13 Q. With whom did you have conversations about 13:20:38

14 the interpretation of the statute? 13:20:40

15 MR. KIRSCHNER: Objection, that suggests 13:20:42

16 -- kind of assuming facts not in evidence that the 13:20:44

17 conversations of who he's having conversations with 13:20:46

18 were people who had a strict interpretation. I 13:20:49

19 just want to make sure that the record is clear 13:20:51

20 that that's not how he's testified, and I just want 13:20:53

21 to call that this is -- just object to the extent 13:20:57

22 that this suggests a mischaracterization of the 13:21:02

23 testimony. 13:21:07

24 MS. MacLEAN: So to be clear, he can 13:21:07

25 answer the question of who he had conversations 13:21:09

1 with about the statute, but you want to be clear on 13:21:11
2 the record that the -- that he's not making any 13:21:13
3 assertions at this stage because of deliberative 13:21:15
4 process privilege assertions about what the content 13:21:18
5 of those conversations were? 13:21:21

6 MR. KIRSCHNER: Yes, and what those -- and 13:21:22
7 what those people have interpreted the statute as. 13:21:23
8 He did not say that -- he's not speaking for the 13:21:25
9 agency. He said some people, he didn't say all 13:21:27
10 people at the agency, so I want to make the record 13:21:30
11 clear that the answer that he provided did not 13:21:33
12 suggest that that was the only interpretation 13:21:35
13 within the agency. And also that whoever he 13:21:38
14 identifies, it is not necessarily associated with a 13:21:42
15 particular interpretation. 13:21:46

16 Q. So you can answer the question who -- with 13:21:47
17 whom you had communications about the 13:21:50
18 interpretation of the statute at DHS. 13:21:53

19 A. So -- so obviously, this issue went right 13:21:57
20 to the heart of -- of the Secretary's decision on 13:22:06
21 terminating or extending TPS. This issue goes 13:22:14
22 right to the heart of whether her hands were tied 13:22:19
23 or whether she had a certain amount of flexibility, 13:22:24
24 it being her decision to make, right? 13:22:30

25 And so this issue did arise in 13:22:33

JAMES D. NEALON - 08/14/2018

Page 146

1 conversations, in meetings that were held about 13:22:36
2 TPS, and there were conversations about this issue. 13:22:39
3 And there were people who -- within DHS who were 13:22:46
4 strict constructionists, if I can use that phrase 13:22:52
5 in this context, and there were other people who -- 13:22:58
6 who had a more flexible approach to the Secretary's 13:23:00
7 authorities in extending or redesignating TPS. 13:23:05

8 Q. So can you identify who you had 13:23:09
9 conversations with or who -- whether you had direct 13:23:18
10 conversations with these people or you were aware 13:23:26
11 of conversations or, you know, in the room when 13:23:29
12 these conversations happened regarding the 13:23:33
13 interpretation of the TPS statute? 13:23:34

14 MR. KIRSCHNER: Again, I just want to make 13:23:36
15 the record clear that I'm instructing Ambassador 13:23:38
16 Nealon not to answer about what the recommendations 13:23:41
17 or discussions were. You can answer who you had 13:23:46
18 conversations with about the interpretation of TPS. 13:23:51

19 THE WITNESS: Okay. That's helpful. 13:23:55

20 A. So I don't recall having a conversation 13:24:00
21 myself with anyone about this -- in other words, I 13:24:04
22 don't recall having debate or an argument with 13:24:15
23 anyone within DHS myself about this issue. 13:24:17

24 I do recall, as I said, this issue coming 13:24:20
25 up, as it naturally would, in meetings that -- that 13:24:23

1 took place where TPS was discussed.

13:24:29

2 Q. And can you say who you know to have
3 participated in those conversations?

13:24:32

13:24:36

4 A. So, you know, I --

13:24:39

5 MR. KIRSCHNER: Objection to the extent it
6 calls for speculation. I know that the question
7 said did you know, but based on his last answer, I
8 just object to the extent that -- that the word
9 "know" suggested a speculative answer.

13:24:43

13:24:45

13:24:48

13:24:51

13:24:54

10 A. You know, it's just very difficult to pick
11 out one meeting out of literally thousands that
12 I've had over the last couple of years, thousands,
13 and say oh, yeah, at that meeting, these people
14 were present and this person said that about -- I
15 just don't have a memory that works like that.

13:24:57

13:25:02

13:25:06

13:25:09

13:25:12

13:25:15

16 Q. Um-hum, um-hum.

13:25:18

17 A. So what I can do is characterize it, as I
18 just did for you, which is that there were -- there
19 are lots of meetings at DHS, and in some of those
20 meetings, TPS was discussed. And at some of those
21 meetings where TPS was discussed, this issue arose
22 because it's a fundamental issue because it goes
23 directly to the authority and the leeway that the
24 Secretary has in making a decision about TPS, so it
25 was discussed.

13:25:20

13:25:23

13:25:26

13:25:29

13:25:34

13:25:37

13:25:39

13:25:44

13:25:48

1 Now, who was -- who was at that meeting?

13:25:53

2 There was no that meeting, there were many

13:25:54

3 meetings. So who was at those meetings?

13:25:58

4 At the meetings that I was at, I was

13:26:00

5 there. At some of those, the Secretary or Acting

13:26:03

6 Secretary was there. Oftentimes, there would be

13:26:06

7 representatives of the general counsel's office

13:26:08

8 there. Most of the time, there would be one or

13:26:11

9 more of the Secretary's counsellors present, and

13:26:15

10 almost always you would have had the Secretary's

13:26:20

11 Chief of Staff and/or Deputy Chief of Staff.

13:26:23

12 Q. Thank you.

13:26:33

13 And just to identify some of these people,

13:26:34

14 when you say the Secretary or the Acting Secretary,

13:26:38

15 would you say that this conversation has come up in

13:26:39

16 context where General Kelly, Acting Secretary Duke,

13:26:42

17 and Secretary Nielsen had been present or some

13:26:47

18 combination of those three?

13:26:50

19 MR. KIRSCHNER: Objection, compound

13:26:51

20 question, calls for -- confusing, just compound

13:26:53

21 question.

13:26:58

22 A. So to give you a little bit of

13:26:58

23 perspective, which might be helpful. I overlapped

13:27:00

24 for three weeks with General Kelly, so just by

13:27:03

25 definition, I was in far, far fewer meetings with

13:27:06

1 him than I was with Secretary Duke or Secretary 13:27:09
2 Nielsen. 13:27:12

3 I believe -- I believe Acting Secretary 13:27:13
4 Duke was the Acting Secretary for about five months 13:27:17
5 of the time that I was there, so by definition, I 13:27:21
6 had far more meetings with her than I had with 13:27:24
7 General Kelly or with Secretary Nielsen. 13:27:26

8 And I believe I overlapped with Secretary 13:27:29
9 Nielsen for about two months. I might be a little 13:27:32
10 bit off, but something like that. So again, by 13:27:35
11 definition, there were just fewer meetings with her 13:27:38
12 when -- during her time as Secretary than there 13:27:41
13 were with Acting Secretary Duke. 13:27:45

14 Q. So given that and with that context, do 13:27:49
15 you recall any of these conversations with 13:27:52
16 Secretary -- with General Kelly? 13:27:54

17 MR. KIRSCHNER: Objection, to the context 13:27:55
18 of timing, it's vague about if you're referring to 13:27:57
19 General Kelly's time as Secretary of Homeland 13:28:05
20 Security. 13:28:08

21 Q. General Kelly's time as Secretary of 13:28:08
22 Homeland Security. 13:28:11

23 A. I don't. 13:28:11

24 Q. Do you recall having these conversations 13:28:11
25 or being present in the room where Secretary Duke 13:28:13

1 -- Acting Secretary Duke was involved in these 13:28:16
2 conversations? 13:28:19

3 A. Yes. 13:28:19

4 Q. Do you recall being present when Secretary 13:28:19
5 Nielsen was involved in these conversations 13:28:22
6 regarding the interpretation of the TPS statute? 13:28:24

7 A. I don't. 13:28:33

8 Q. And you said some of these conversations 13:28:34
9 would take place where the Secretary's counsellors 13:28:41
10 were in the room. You identified previously that 13:28:46
11 the Secretary's counselor who was overseeing the 13:28:49
12 immigration portfolio was Mr. Hamilton. 13:28:53

13 Are you referencing Mr. Hamilton when you 13:28:56
14 speak about the Secretary's counsellors being 13:28:59
15 present in the room for those conversations? 13:29:02

16 A. He is one of the counsellors that I'm 13:29:04
17 referencing; there were others. 13:29:06

18 Q. Who were the other counsellors that you 13:29:08
19 would be referencing? 13:29:09

20 A. So she had a number of counsellors, and 13:29:09
21 they changed over the period of time that I was 13:29:13
22 there. And, you know, they run their own schedules 13:29:15
23 as well, so not everybody can be at every meeting. 13:29:17

24 But Mr. Hamilton was -- was the counsellor 13:29:20
25 who was most often present in meetings where TPS 13:29:23

1 was discussed.

13:29:26

2 Q. Is it accurate that Ms. Tracy Short
3 succeeded Mr. Hamilton when he moved to the
4 Department of Justice?

13:29:28

13:29:32

13:29:35

5 A. So that's Mr. Tracy Short.

13:29:37

6 Q. Mr. Tracy Short. Sorry about that.

13:29:39

7 A. And Tracy Short did become a counsellor.

13:29:44

8 Whether he actually replaced Mr. Hamilton or not, I
9 don't know. But he did become a counsellor, yes.

13:29:49

13:29:53

10 Q. Was there someone who took over the
11 immigration portfolio as one of the Secretary's
12 counsellors after Mr. Hamilton moved from DHS to
13 Department of Justice?

13:29:55

13:29:58

13:30:01

13:30:06

14 A. You know, what the formal designation
15 upstairs in the Secretary's office was, I don't
16 recall, but I do know Mr. Short was often involved
17 in -- during his time there in conversations about
18 immigration, TPS.

13:30:06

13:30:08

13:30:11

13:30:14

13:30:17

19 Q. Okay. Was there anyone else --

13:30:18

20 MS. MacLEAN: Sorry, scratch that.

13:30:22

21 Q. Following Mr. Hamilton's tenure at DHS,
22 was there any other counsellor to the Secretary who
23 was regularly or often present in TPS-related
24 conversations?

13:30:27

13:30:33

13:30:34

13:30:38

25 A. Yes, just because the counsellors were

13:30:39

1 often present in meetings where the Secretary was 13:30:45
2 present. So Miles Taylor, for example, is another 13:30:48
3 counsellor to the Secretary. He didn't cover 13:30:55
4 immigration specifically, but he would oftentimes 13:30:57
5 be in meetings where immigration and TPS were 13:31:00
6 discussed. 13:31:04

7 Q. Okay. Anyone else? 13:31:04

8 A. No one else occurs to me. 13:31:06

9 Q. Okay. Great. We'll move on from that 13:31:08
10 exhibit. 13:31:36

11 (Exhibit 35, NewsRoom article, 5/8/18 13:31:55
12 Washington Post, marked for identification.) 13:31:56

13 Q. So we just marked Exhibit 35. It's a long 13:31:56
14 article. I'm not going to make you read the whole 13:31:59
15 thing right now, and you may have read this before. 13:32:01

16 But if you could turn to the middle of 13:32:05
17 page 2, the fifth full paragraph down, which starts 13:32:10
18 with, "According to current and former State 13:32:17
19 Department officials." 13:32:21

20 Do you see where I'm looking? 13:32:22

21 A. Yes. 13:32:24

22 MR. KIRSCHNER: I would kind of object and 13:32:25
23 ask that Ambassador Nealon have an opportunity to 13:32:26
24 look at the document to the extent he feels -- 13:32:28

25 Q. Yeah. You can take a moment to look at 13:32:32

1 the document. Just trying to give us enough time 13:32:34
2 to cover the issues that need to be covered. I 13:32:37
3 don't think it's necessary that you read this 13:32:39
4 entire document. I imagine you have reviewed this 13:32:41
5 document before. 13:32:43

6 MR. KIRSCHNER: I just want to make sure 13:32:43
7 that when he's answering questions, that it's in 13:32:45
8 the context of understanding what else is in the 13:32:47
9 document. 13:32:49

10 MS. MacLEAN: Fair enough. 13:32:51

11 MR. KIRSCHNER: So I defer to Ambassador 13:32:52
12 Nealon when he's prepared to answer questions about 13:32:54
13 the document. 13:32:57

14 Q. I'm not going to ask you too many 13:32:58
15 questions about this document. 13:33:00

16 A. So go ahead and ask me the questions and 13:33:01
17 then if I need to refer back to the document, I'll 13:33:03
18 ask your permission to do so. 13:33:05

19 Q. Of course. 13:33:06

20 So that paragraph reads, "According to 13:33:07
21 current and former State Department officials, the 13:33:08
22 embassy cables were received by Tillerson's aides 13:33:11
23 but generated no reply from the Secretary or his 13:33:12
24 staff." 13:33:15

25 Do you understand that to have been the 13:33:15

1 case with regard to embassy cables?

13:33:17

2 MR. KIRSCHNER: Objection. To the extent

13:33:19

3 this question calls for internal government

13:33:21

4 deliberations, I would instruct you not to answer.

13:33:24

5 MS. MacLEAN: So you're asserting that the

13:33:28

6 existence of a reply is covered by the deliberative

13:33:31

7 process privilege?

13:33:34

8 MR. KIRSCHNER: The nature of a reply,

13:33:34

9 including the existence of a reply, reveals

13:33:37

10 internal government deliberations about how the

13:33:40

11 government is -- is conducting its deliberations.

13:33:43

12 I just want to make sure -- or, I mean, to the

13:33:46

13 extent that you can ask him if he's aware of

13:33:49

14 communications between the State Department

13:33:54

15 concerning embassy cables, I would allow him to

13:33:56

16 answer, but -- but the sentence itself

13:34:00

17 characterizes by the phrase "generated no reply,"

13:34:02

18 something about the nature of a reply or -- or what

13:34:05

19 it is -- how the communication happened.

13:34:08

20 So he's -- he can provide an answer about

13:34:11

21 whether he's aware of any communications between

13:34:15

22 the State Department concerning the embassy cables,

13:34:19

23 but beyond that, I would ask for him to -- instruct

13:34:22

24 him not to answer about internal government

13:34:25

25 deliberations, because he might not even know the

13:34:28

1 answer to this question.

13:34:31

2 Q. So to the extent that you can answer based
3 on what your attorney has advised, are you aware of
4 whether there was any reply from the Secretary of
5 State or his staff to the embassy cables that were
6 received regarding TPS?

13:34:32

13:34:34

13:34:38

13:34:41

13:34:44

7 MR. KIRSCHNER: Again, objection, this is
8 like foundational. Like, this is characterizing
9 kind of a sentence in an article that without
10 context I think provides a difficulty in
11 responding, and it's a characterization of how the
12 sentence is stated within the article.

13:34:45

13:34:47

13:34:51

13:34:55

13:35:01

13:35:04

13 Q. If you understand the question, you can
14 answer the question.

13:35:07

13:35:11

15 A. So I'm not aware one way or the other that
16 the -- that the cables were answered or that they
17 were not answered.

13:35:11

13:35:13

13:35:15

18 Q. So the following sentence reads, "In the
19 ensuing weeks, Trump Senior Advisor and Immigration
20 Hardliner Stephen Miller placed phone calls to DHS
21 Chief of Staff Chad Wolf and top Tillerson
22 advisors, telling them to end TPS anyway, according
23 to current and former administration officials who
24 like others spoke on the condition of anonymity."

13:35:17

13:35:29

13:35:33

13:35:36

13:35:39

13:35:41

13:35:44

25 Are you aware of whether Trump Senior

13:35:47

1 Advisor and Immigration -- well, we won't -- we 13:35:50
2 won't characterize his position, but that Trump 13:35:53
3 Senior Advisor Stephen Miller placed phone calls to 13:35:56
4 DHS Chief of Staff Chad Wolf concerning TPS? 13:36:00

5 MR. KIRSCHNER: And on this question, 13:36:05
6 Ambassador Nealon, you can answer the question as 13:36:07
7 asked about whether you're aware of any phone calls 13:36:09
8 between Stephen Miller and Chad Wolf. To the 13:36:11
9 extent the question calls for the nature of those 13:36:15
10 communications, I would instruct you not to answer. 13:36:17

11 A. So I was told that such phone calls took 13:36:21
12 place, but I didn't and don't have any firsthand 13:36:25
13 knowledge of those phone calls. 13:36:28

14 Q. Who told you that the phone calls took 13:36:35
15 place? 13:36:37

16 MR. KIRSCHNER: You can answer. 13:36:37

17 A. Chad Wolf and others. 13:36:38

18 Q. Did Mr. Wolf describe to you without -- 13:36:42
19 it's a yes-or-no question -- the content of those 13:36:47
20 phone calls? 13:36:50

21 A. No, only in the broadest terms, only that 13:36:51
22 the phone calls had taken place. 13:36:56

23 Q. The second portion of that sentence reads 13:36:58
24 that Mr. Miller also communicated with top 13:37:07
25 Tillerson advisors concerning TPS. 13:37:11

1 Are you aware of whether those 13:37:14
2 communications happened? 13:37:15

3 MR. KIRSCHNER: Again, you can answer the 13:37:17
4 yes-or-no question of whether you're aware of those 13:37:20
5 communications. To the extent that the question 13:37:23
6 elaborates on the nature of those communications, I 13:37:37
7 will instruct you not to answer, but first there 13:37:31
8 might not be a need to answer the second part of 13:37:33
9 the question. 13:37:35

10 A. I'm not aware. 13:37:35

11 Q. Okay. So you can read the next paragraph 13:37:44
12 and the following paragraph. I mean, you can read 13:37:50
13 to the end of the page, if you'd like, and I'll ask 13:37:53
14 you a question about two paragraphs down. 13:37:56

15 MR. KIRSCHNER: Sorry, just to make sure, 13:37:58
16 you're -- are you going from "The White House 13:37:59
17 official" down till -- to what paragraph? 13:38:02

18 Q. And you can read just if you want the 13:38:05
19 context, you know, a few more paragraphs. But the 13:38:07
20 main question is from the paragraph that starts 13:38:10
21 with "In the letter dated October 31st." 13:38:12

22 MR. KIRSCHNER: Okay. 13:38:14

23 A. Okay. 13:38:48

24 Q. So in the paragraph that starts with, "In 13:38:48
25 a letter dated October 31st," that paragraph reads, 13:38:50

1 "Tillerson told Homeland Security Acting Secretary 13:38:55
2 Elaine Duke that conditions in Central America and 13:38:58
3 Haiti had improved" -- 13:39:05

4 (Interruption by the reporter.) 13:39:05

5 Q. "Tillerson told Homeland Security's Acting 13:39:08
6 Secretary Elaine Duke that conditions in Central 13:39:08
7 America and Haiti had improved and that TPS 13:39:15
8 protections were no longer warranted. When the two 13:39:17
9 spoke by phone, Tillerson told Duke ending TPS 'was 13:39:20
10 just something she had to do?'" 13:39:25

11 Are you aware of any conversation like the 13:39:28
12 conversation that is described in this paragraph? 13:39:34

13 MR. KIRSCHNER: Objection. Ambassador 13:39:36
14 Nealon can answer the question if he's aware of any 13:39:40
15 conversations between Elaine Duke and Secretary 13:39:43
16 Tillerson about TPS. I instruct Ambassador Nealon 13:39:47
17 not to answer about the nature of the deliberations 13:39:51
18 between Secretary of State Tillerson and Acting 13:39:54
19 Secretary Duke. 13:39:58

20 A. Yes. 13:39:59

21 MR. KIRSCHNER: Sorry. I -- like the 13:40:00
22 record is not clear, the question of yes, I just 13:40:02
23 want to make it clear in your words what you're 13:40:06
24 referring to as yes so that we're not -- have a 13:40:09
25 lack of clarity on the record. 13:40:14

1 THE WITNESS: Thank you. 13:40:16

2 A. Yes, I'm aware that such a conversation 13:40:17

3 took place in that I was told that such a 13:40:21

4 conversation took place. I wasn't present for it 13:40:25

5 and had no direct knowledge of it. 13:40:28

6 Q. And who communicated to you that such a 13:40:30

7 conversation took place? 13:40:32

8 A. I don't recall. 13:40:33

9 MR. KIRSCHNER: Again, I think the record 13:40:38

10 is not clear when you say "such a conversation took 13:40:39

11 place." Again, you're -- it's okay for you to 13:40:43

12 answer questions about whether Secretary of State 13:40:49

13 Tillerson and Acting Secretary Duke had 13:40:51

14 conversations about TPS. 13:40:54

15 The nature of those conversations, I 13:40:56

16 instruct you not to answer. So when you say "such 13:40:57

17 a conversation took place," I want to make sure the 13:41:00

18 record is clear what you're referring to. 13:41:02

19 A. So I was told that there was a 13:41:05

20 conversation between Secretary Tillerson and Acting 13:41:12

21 Secretary Duke regarding the TPS decision. 13:41:18

22 Q. And that conversation happened around 13:41:25

23 October 31st, 2017, in your recollection? 13:41:29

24 A. So I don't recall the date. My 13:41:39

25 recollection is that it happened at the time of the 13:41:40

1 TPS decision.

13:41:43

2 Q. Okay. So the last full paragraph of that
3 page reads, "White House Chief of Staff John
4 F. Kelly, who had run DHS from January until July,
5 called Duke from Asia where he was traveling with
6 the President to convey his frustration."

13:41:48

13:41:55

13:42:00

13:42:04

13:42:07

7 Were you aware of whether White House
8 Chief of Staff John Kelly called Acting Secretary
9 Duke concerning TPS?

13:42:10

13:42:13

13:42:17

10 MR. KIRSCHNER: Again, I will instruct
11 Ambassador Nealon that he can answer the question
12 of whether he's aware of a phone call between
13 General Kelly and Acting Secretary Duke.

13:42:18

13:42:21

13:42:23

13:42:26

14 To the extent the question calls for
15 deliberations during that phone call, I would
16 instruct Ambassador Nealon not to answer.

13:42:30

13:42:33

13:42:35

17 A. Similarly, I was told that a phone
18 conversation took place between Chief of Staff
19 Kelly and Acting Secretary Duke at the time of
20 the -- of that particular TPS decision.

13:42:38

13:42:42

13:42:46

13:42:51

21 Q. And who communicated to you that there was
22 such a phone call?

13:42:54

13:43:01

23 A. I don't recall.

13:43:02

24 Q. Do you recall whether it was one of the
25 participants of the phone call?

13:43:03

13:43:09

1 A. I don't recall. 13:43:11

2 Q. Okay. And the last -- sorry, not the last 13:43:13

3 from this article -- if you go to the next page, in 13:43:22

4 the middle of the page, there's a paragraph that 13:43:26

5 starts with, "Immigration restrictionists." 13:43:30

6 Do you see that paragraph? 13:43:33

7 A. I do. 13:43:35

8 Q. The paragraph reads -- and I will go 13:43:35

9 slower this time -- "Immigration restrictionists 13:43:39

10 seeking to reduce the number of foreigners living 13:43:40

11 in the United States argue the law's 'temporary' 13:43:45

12 intent has been violated." 13:43:54

13 Were you aware during your time at DHS of 13:43:56

14 any communication within the Department of Homeland 13:44:00

15 Security concerning whether TPS was no longer 13:44:04

16 temporary in nature? 13:44:07

17 MR. KIRSCHNER: Objection. To the extent 13:44:08

18 this calls for internal government deliberations, I 13:44:09

19 instruct you not to answer. 13:44:14

20 Q. Were you aware of general conversations 13:44:18

21 about this matter? 13:44:21

22 MS. MacLEAN: He -- he can answer -- 13:44:23

23 MR. KIRSCHNER: As I said before, you can 13:44:23

24 answer a question of whether you are aware of 13:44:24

25 whether the question of temporary came up in the 13:44:26

1 context of TPS. What the nature of that -- those 13:44:29
2 conversations were in terms of government 13:44:33
3 deliberations, I would instruct you not to answer. 13:44:34

4 A. Yes, I was aware of such conversations. 13:44:38

5 MR. KIRSCHNER: I would -- sorry -- just 13:44:40
6 with the objection, I would ask Ambassador Nealon, 13:44:43
7 when you say "such conversations," that we've lost 13:44:46
8 kind of the thread from the question, that you kind 13:44:48
9 of define what you're referring to to make the 13:44:50
10 record clear. I think it would probably be in 13:44:52
11 everybody's interest. 13:44:55

12 THE WITNESS: Thank you. 13:44:56

13 A. So during my time at TPS, I was -- at DHS, 13:44:58
14 excuse me -- I was aware of conversations that took 13:45:02
15 place about the temporary nature of temporary 13:45:07
16 protected status. 13:45:10

17 Q. Do you recall in what context those 13:45:11
18 conversations arose? 13:45:14

19 A. Yes. 13:45:15

20 Q. What were the contexts in which those 13:45:19
21 conversations arose? 13:45:23

22 A. So, again, this is one of the things that 13:45:24
23 goes to the heart of the Secretary's decision on 13:45:30
24 TPS. It's one of the many elements that fed into 13:45:36
25 her decision-making process: What is the nature of 13:45:42

JAMES D. NEALON - 08/14/2018

Page 163

1 temporary protected status, how long can it go on. 13:45:46

2 So yes, there were conversations about that. 13:45:53

3 Q. Were you aware of these conversations 13:45:55

4 during the tenure of General Kelly as DHS 13:46:03

5 Secretary? 13:46:07

6 A. Yes. 13:46:10

7 Q. Were you aware of those conversations 13:46:13

8 during the tenure of Secretary Duke as Acting 13:46:15

9 Secretary? 13:46:20

10 A. Yes. 13:46:20

11 Q. Were you aware of those conversations when 13:46:21

12 Secretary Nielsen -- during Secretary Nielsen's 13:46:24

13 tenure? 13:46:28

14 A. Yes. Maybe I should clarify, when we talk 13:46:29

15 about conversations, it was more like -- the way I 13:46:33

16 would describe it is one of the elements that would 13:46:37

17 go into a decision on TPS, one of the many elements 13:46:41

18 that would go into the Secretary's decision on TPS 13:46:47

19 is the nature of TPS. 13:46:51

20 Q. Are you -- was the -- was the Secretary -- 13:46:53

21 were any of the DHS secretaries who were 13:47:08

22 secretaries during your tenure seeking guidance 13:47:10

23 concerning that question about whether temporary 13:47:14

24 protected status needed to be temporally limited? 13:47:21

25 MR. KIRSCHNER: I would instruct 13:47:26

1 Ambassador Nealon that you can provide an answer of 13:47:30
2 whether the -- any of the secretaries sought 13:47:33
3 guidance, but the nature of that guidance, I would 13:47:38
4 instruct you not to answer as deliberative process. 13:47:42
5 And to the extent that you're aware that the 13:47:45
6 guidance came from attorney-client communications, 13:47:47
7 I would also instruct you not to answer on the 13:47:50
8 attorney-client grounds, to the extent you 13:47:57
9 differentiate in that manner. So you can provide 13:48:02
10 an answer as to whether guidance was sought on this 13:48:05
11 question. 13:48:08

12 A. So I don't actually know if any of the 13:48:08
13 three secretaries asked their office of legal 13:48:11
14 counsel to provide them with a legal document which 13:48:14
15 would explain the temporary or the temporal nature 13:48:16
16 of TPS. I don't know. 13:48:20

17 What I do know is that this is something 13:48:24
18 that was on the minds of those of us in DHS who 13:48:26
19 were dealing with TPS, what does temporary 13:48:33
20 protected status mean. 13:48:38

21 Q. So aside -- it sounds like, if I 13:48:39
22 understand correctly, it's not clear whether the 13:48:43
23 Office of General Counsel weighed in on this 13:48:46
24 question or was asked to weigh in on this question, 13:48:48
25 but the question was being considered within DHS; 13:48:50

1 is that correct? 13:48:54

2 A. Yeah, it sounds like I'm being 13:48:54
3 obstructionist or something, and I'm really not 13:49:00
4 trying to. It's -- it seems as though you're 13:49:02
5 asking me to recall specific conversations when -- 13:49:08
6 and I just -- I just can't. 13:49:10

7 So what I do know, what I do recall is 13:49:11
8 that this is one of the many things that was on the 13:49:15
9 minds of those of us who had to advise the 13:49:18
10 Secretary about TPS, along with the strict 13:49:21
11 constructionist issue, there was also this temporal 13:49:26
12 issue, and then there were of course the policy 13:49:32
13 implications. 13:49:34

14 Q. What were the policy implications that 13:49:35
15 you're referencing? 13:49:37

16 A. So the ones I'm referencing are foreign 13:49:43
17 policy considerations. 13:49:46

18 Q. Were there other policy implications that 13:49:47
19 others were referencing? 13:49:50

20 MR. KIRSCHNER: Again, I instruct 13:49:52
21 Ambassador Nealon to the extent this is getting 13:49:54
22 into questions about internal government 13:49:57
23 deliberations, about recommendations or 13:50:00
24 deliberations about decisions in anticipation of 13:50:05
25 decisions being made, I instruct you not to answer. 13:50:10

1 To the extent you can provide a general 13:50:12
2 answer, you can provide a general response in terms 13:50:15
3 of kind of what you view kind of were the major 13:50:17
4 kind of questions to be addressed in your mind. 13:50:21

5 A. Sorry. Would you restate? 13:50:26

6 Q. Yes. You said, you know, amongst the 13:50:28
7 issues that were being considered by the Secretary 13:50:30
8 or DHS entities that were involved in advising the 13:50:32
9 Secretary regarding TPS were questions around the 13:50:36
10 temporal nature of TPS, the -- the question of 13:50:39
11 whether the TPS statute should be interpreted in a 13:50:43
12 strictly constructionist way, or more broadly, and 13:50:48
13 policy implications. 13:50:51

14 And so I asked what are the policy 13:50:52
15 implications. And you identified for yourself some 13:50:54
16 of those policy implications would be foreign 13:50:59
17 policy considerations. And so I asked were there 13:51:01
18 other policy considerations that you know that were 13:51:05
19 considered by others within DHS. 13:51:07

20 A. Yes. 13:51:10

21 Q. I would imagine beyond that in terms of 13:51:10
22 the content of those conversations, you, and your 13:51:18
23 counsel in particular, would identify that you 13:51:21
24 can't answer in more detail because of deliberative 13:51:23
25 process privilege assertions. 13:51:26

JAMES D. NEALON - 08/14/2018

Page 167

1 MS. MacLEAN: Is that correct? 13:51:28

2 MR. KIRSCHNER: Correct. I mean, I'll 13:51:34

3 instruct you not to answer under deliberative 13:51:34

4 process, kind of the internal deliberations of -- 13:51:34

5 in anticipation of a decision being made, besides 13:51:37

6 the general kind of context of what kind of were 13:51:40

7 considered, of what factored into a decision. 13:51:44

8 Q. Let me see if I can clarify in a way that 13:51:47

9 doesn't raise deliberative process privilege 13:51:50

10 concerns. 13:51:53

11 Were any of these policy considerations 13:51:53

12 discussed after a decision had been made? 13:51:55

13 A. You know, I -- I don't recall -- I don't 13:52:03

14 recall such discussions after decisions were made, 13:52:09

15 no. 13:52:12

16 Q. Okay. Let's turn to page -- 13:52:12

17 MR. KIRSCHNER: I just want to make clear 13:52:18

18 that he -- that Ambassador Nealon can discuss 13:52:20

19 generally what factors played into a decision. I 13:52:22

20 don't want to suggest that I'm shutting down one 13:52:24

21 line of questioning on this. I mean, Ambassador 13:52:28

22 Nealon has responded. And so I don't want to give 13:52:30

23 the misimpression there. 13:52:32

24 What those internal deliberations were, 13:52:33

25 who was making recommendations along those lines, 13:52:36

1 that I would instruct you not to answer on all 13:52:38
2 these factors, but in terms of general factors, you 13:52:42
3 can provide a general overview of what factors went 13:52:43
4 into a decision for TPS. 13:52:46

5 THE WITNESS: Thank you. That's helpful. 13:52:49
6 So maybe I can clarify a little bit. 13:52:51

7 A. So, you know, whenever someone like the 13:52:53
8 Secretary of Homeland Security is faced with a 13:52:55
9 consequential policy decision like TPS, there are a 13:52:59
10 number of factors that have to be taken into 13:53:02
11 account. 13:53:04

12 And in the case of TPS, we've talked about 13:53:05
13 a couple of them. One was the legal nature of TPS, 13:53:07
14 whether you interpret the statute strictly or more 13:53:12
15 -- in a more flexible way. 13:53:16

16 The other is the temporal nature of TPS, 13:53:18
17 what does temporary protected status mean after 13:53:21
18 20 years, for example. 13:53:26

19 Then there are policy considerations, what 13:53:29
20 are the foreign policy consequences for the United 13:53:32
21 States of extending or terminating TPS. And then 13:53:36
22 finally, what are the domestic policy 13:53:43
23 considerations of either terminating or extending 13:53:45
24 TPS. So those are the kind of things that any of 13:53:49
25 the secretaries would have taken into account when 13:53:53

1 contemplating a decision.

13:53:56

2 Q. And when you referenced domestic policy
3 considerations, what are you referencing?

13:53:57

13:54:01

4 A. Well, domestic politics, administration
5 policy.

13:54:03

13:54:08

6 Q. And what would you consider to be
7 administration policy as it applies to TPS?

13:54:08

13:54:10

8 MR. KIRSCHNER: Objection, calls for
9 speculation.

13:54:13

13:54:14

10 A. Yeah, I mean, I really refer you to the
11 White House, to the president and his public
12 statements on what -- on what administration policy
13 is.

13:54:19

13:54:24

13:54:26

13:54:30

14 Q. Okay. If we can just go to page 4, the
15 fourth full paragraph up, which is actually one
16 sentence which starts with "the White House never
17 got on board with the Senate proposal." You can
18 maybe read from above "where negotiations break
19 down" so you have the context.

13:54:30

13:54:50

13:54:52

13:54:53

13:54:56

13:54:58

20 A. Okay.

13:55:35

21 Q. So the paragraph that starts with "the
22 White House never got on board with the Senate
23 proposal" includes reference to a meeting that was
24 much publicized in which President Trump reportedly
25 made a comment referring to certain immigrants as

13:55:35

13:55:37

13:55:39

13:55:41

13:55:47

1 people from, in shorthand, S-hole countries, in the
2 Oval Office.

13:55:53

13:55:57

3 Are you aware of those public accounts of
4 the meeting?

13:55:58

13:56:01

5 A. I'm aware of the public accounts of that
6 meeting.

13:56:02

13:56:04

7 Q. Did you have any internal conversations
8 within DHS about such a meeting?

13:56:04

13:56:08

9 MR. KIRSCHNER: Objection, characterizing
10 the article, putting facts -- the testimony that
11 counsel was testifying about the article.

13:56:10

13:56:12

13:56:17

12 Ambassador Nealon, I would ask for -- ask

13:56:20

13 Ambassador Nealon to be able to use his own

13:56:25

14 language in responding to the question. I also

13:56:28

15 would say that the question is calling for

13:56:30

16 speculation about what was discussed at the

13:56:33

17 meeting. I object on speculative grounds.

13:56:35

18 Q. You can answer the question, were you

13:56:38

19 aware of conversations about the meeting that was

13:56:40

20 described in this paragraph, did you have such --

13:56:42

21 did you have conversations about such a meeting

13:56:47

22 internally within DHS?

13:56:50

23 A. You know, I don't recall -- I don't recall

13:56:58

24 conversations about the meeting. I certainly

13:57:04

25 recall commentary about the alleged phrase that you

13:57:08

1 referenced.

13:57:16

2 Q. And was it your understanding from the
3 conversations that happened internally, aside from
4 the public accounts, that this communication from
5 the President or purported to be from the President
6 was related to TPS in some way?

13:57:17

13:57:22

13:57:25

13:57:33

13:57:35

7 MR. KIRSCHNER: Objection, calls for
8 speculation.

13:57:37

13:57:39

9 A. Yeah, I don't have any inside information
10 about that.

13:57:41

13:57:43

11 Q. Okay. We'll move away from this exhibit.
12 Thank you.

13:57:44

13:57:49

13 MR. KIRSCHNER: Just so you know, it's
14 close to 2:00, just on timing.

13:58:22

13:58:24

15 MS. MacLEAN: Thank you.

13:58:26

16 Q. This is already marked as Exhibit 14 from
17 a previous deposition.

13:58:26

13:58:28

18 So I'll just direct you to the bottom
19 e-mail from March 22nd, 2017 at 11:32 a.m. with
20 awareness that this was before your time at DHS. I
21 just have one brief question here, I think, about
22 the first paragraph of that e-mail. So let me know
23 when you have reviewed it.

13:58:41

13:58:43

13:58:52

13:59:07

13:59:10

13:59:13

24 A. Okay.

13:59:19

25 Okay.

13:59:33

1 Q. Is it your understanding from either your 13:59:34
2 experience as Ambassador or in foreign embassies as 13:59:37
3 an Ambassador to Honduras or in your time at DHS 13:59:48
4 that the Department of State would revise their 13:59:54
5 recommendation concerning TPS given the change in 14:00:00
6 administration? 14:00:05

7 MR. KIRSCHNER: Objection, lack of 14:00:05
8 foundation, speculative. 14:00:07

9 A. Um, so I don't -- honest answer is, I 14:00:08
10 don't know. Obviously, it's the prerogative of a 14:00:20
11 new administration to change policies as they see 14:00:23
12 fit. I don't -- I don't have any history with TPS 14:00:26
13 to know whether it would be a normal thing for a 14:00:30
14 new administration to change a TPS recommendation 14:00:34
15 or not. 14:00:39

16 Q. Would country conditions change in a new 14:00:40
17 administration? 14:00:45

18 MR. KIRSCHNER: Objection, foundation, 14:00:46
19 speculative. 14:00:48

20 A. Um, I suppose country conditions could 14:00:49
21 have changed from the time the original paper was 14:00:52
22 written until the time the new paper was written, 14:00:56
23 but, you know, I don't know. 14:00:59

24 Q. From your previous answer, though, it 14:01:01
25 sounds -- I don't want to put words in your mouth, 14:01:03

1 so correct me if I'm misinterpreting you, but the 14:01:06
2 reason for request in the change would have to do 14:01:11
3 with questions of policy change rather than country 14:01:13
4 conditions changed primarily? 14:01:15

5 MR. KIRSCHNER: Objection, 14:01:18
6 mischaracterizes testimony and calls for 14:01:18
7 speculation. 14:01:27

8 A. I think there might also be a more 14:01:27
9 legalistic argument to be made that if you're using 14:01:34
10 as one of your bases for a policy decision a 14:01:39
11 recommendation from people who are no longer in 14:01:40
12 government, that might -- that could conceivably 14:01:42
13 pose a problem and you might want to have the paper 14:01:48
14 redone under the signature of the current Secretary 14:01:50
15 of State, that wouldn't strike me as an unusual 14:01:54
16 thing to do. But again, I don't think I can be 14:01:56
17 particularly helpful with you on this. 14:01:59

18 Q. Are you aware that Secretary Tillerson 14:02:25
19 provided a recommendation concerning TPS for El 14:02:30
20 Salvador, Haiti, Honduras, and Nicaragua? 14:02:35

21 A. Yes. 14:02:40

22 Q. Did you communicate with anyone at the 14:02:40
23 State Department besides the communications that 14:02:42
24 you've already discussed during this deposition 14:02:44
25 about their recommendation for these countries? 14:02:47

JAMES D. NEALON - 08/14/2018

Page 174

1	A. No. I think we've already talked	14:02:51
2	extensively about my communications with the State	14:02:53
3	Department.	14:02:56

4	Q. Are you aware of what the content was of	14:02:56
5	the recommendation for these four countries from	14:02:59
6	the State Department?	14:03:01

7	MR. KIRSCHNER: So on this one, you can	14:03:02
8	answer questions about Secretary Tillerson's	14:03:06
9	recommendation or Deputy Secretary of State	14:03:10
10	Sullivan's recommendation for Sudan. To the extent	14:03:15
11	these questions go beyond that on the issues that	14:03:21
12	we previously objected to about the internal	14:03:26
13	deliberations within the State Department that you	14:03:29
14	are aware of, I instruct you not to answer. I	14:03:31
15	understood the question as referring to the actual	14:03:33
16	formal recommendation from Secretary of State	14:03:35
17	Tillerson and Deputy Secretary of State Sullivan,	14:03:38
18	but I just want to make sure that you're aware of	14:03:41
19	where I'm instructing you not to answer.	14:03:43

20	THE WITNESS: Okay. Thank you.	14:03:47
----	-------------------------------	----------

21	A. Sorry, just restate.	14:03:48
----	-------------------------	----------

22	Q. Yes. Are you aware of what Secretary of	14:03:50
23	State Tillerson ultimately recommended regarding	14:03:54
24	the TPS for these four countries?	14:03:57

25	A. Yes.	14:03:58
----	---------	----------

JAMES D. NEALON - 08/14/2018

Page 175

1 Q. Are you aware of whether there were
2 dissenting views in the State Department --

14:03:58

14:04:00

3 MR. KIRSCHNER: Objection.

14:04:02

4 Q. Well, let me go back.

14:04:03

5 What was the recommendation, to your
6 recollection?

14:04:05

14:04:08

7 MR. KIRSCHNER: I would ask for him to not
8 have to guess what the recommendation is --

14:04:09

14:04:10

9 Q. Are you aware that the recommendation was
10 for a termination of TPS?

14:04:10

14:04:12

11 A. Yes.

14:04:13

12 Q. Are you aware of whether there were
13 dissenting views within the State Department?

14:04:14

14:04:17

14 MR. KIRSCHNER: Objection. To the extent
15 this question calls for internal governmental
16 deliberations within the State Department,
17 including recommendations for or against what
18 Secretary of State Tillerson ultimately
19 recommended, I would instruct you not to answer.

14:04:18

14:04:20

14:04:23

14:04:25

14:04:27

14:04:30

20 Q. So are you aware of whether there were
21 dissenting views at the State Department?

14:04:35

14:04:38

22 MR. KIRSCHNER: Again, I instruct. That
23 questions calls for -- an answer to that question
24 would be suggestive of the entire governmental
25 deliberations.

14:04:39

14:04:41

14:04:44

14:04:46

JAMES D. NEALON - 08/14/2018

Page 176

1 MS. MacLEAN: So are you instructing he 14:04:47
2 cannot answer that question as a yes-or-no question 14:04:50
3 even? 14:04:51

4 MR. KIRSCHNER: He can -- he can answer 14:04:51
5 the question of whether he knows whether there are 14:04:53
6 or not dissenting views, but whether -- I just want 14:04:56
7 to make it clear, I don't want a yes answer to 14:05:01
8 suggest that there are dissenting views or there 14:05:05
9 are not dissenting views. I just want to know -- 14:05:07
10 he can answer the question of whether he's aware of 14:05:09
11 internal -- how about -- can we -- not to suggest a 14:05:11
12 question, but can you -- I would suggest if the 14:05:15
13 question is are you aware of internal deliberations 14:05:17
14 within the State Department about what the 14:05:19
15 recommendation would be, he can answer. 14:05:21

16 MS. MacLEAN: I can -- I have the caveat 14:05:23
17 that -- 14:05:23

18 Q. This is a question about whether you have 14:05:25
19 direct knowledge about this question without the 14:05:27
20 presumption to be on the record at this stage of 14:05:30
21 whether there were dissenting views. So this is a 14:05:33
22 question about whether you have knowledge about 14:05:38
23 whether there were dissenting views at the State 14:05:39
24 Department concerning the recommendation -- about 14:05:42
25 the TPS determination for those four countries? 14:05:49

1 A. Yes.

14:05:57

2 Q. And I understand your counsel is
3 instructing you based on the deliberative process
4 privilege not to provide any further information on
5 that question at this stage.

14:05:57

14:05:59

14:05:59

14:06:01

6 MR. KIRSCHNER: And I think the record is
7 clear, but I just want to make sure that the record
8 is clear that Ambassador Nealon's answer did not
9 suggest one way or the other whether there were
10 dissenting views or not.

14:06:01

14:06:02

14:06:04

14:06:06

14:06:08

11 Q. In your experience or to your knowledge,
12 either from your time as Ambassador to Honduras or
13 from your time at DHS, does the State Department
14 typically do a country by country analysis in its
15 TPS determinations?

14:06:10

14:06:15

14:06:21

14:06:26

14:06:29

16 MR. KIRSCHNER: Objection, calls for
17 speculation, lack of foundation.

14:06:33

14:06:36

18 A. So my understanding, perhaps imperfect, is
19 that there's a letter from the Secretary or the
20 Deputy Secretary, and then there are country
21 condition papers for each of the affected
22 countries.

14:06:38

14:06:43

14:06:49

14:06:53

14:06:57

23 Q. Do you have any knowledge as to why the
24 Secretary of State in this instance provided one
25 single recommendation concerning TPS for these four

14:06:58

14:07:04

14:07:07

1 countries?

14:07:11

2 A. No.

14:07:12

3 MR. KIRSCHNER: I just -- could we read
4 back that question. I'm a little con -- wondering
5 if that question was confusing. I don't know. I
6 just want to make sure that the record is clear
7 that Ambassador Nealon understood the question
8 correctly.

14:07:20

14:07:24

14:07:28

14:07:31

14:07:33

14:07:34

9 THE WITNESS: And I may be confused.

14:07:35

10 Should I let her restate or --

14:07:39

11 MS. MacLEAN: Do you want to read back the
12 question actually if you're able?

14:07:41

14:07:43

13 (Whereupon, the record was read as
14 follows: Question: "Do you have any knowledge as
15 to why the Secretary of State in this instance
16 provided one single recommendation concerning TPS
17 for these four countries?")

14:07:57

14:07:01

14:07:02

14:07:06

14:07:10

18 MR. KIRSCHNER: And I object as vague what
19 counsel was referring to by "these four countries."

14:07:59

14:08:04

20 MS. MacLEAN: We were just speaking about
21 Honduras, Nicaragua, Haiti, and El Salvador, so
22 those are the four countries that are referenced in
23 that question.

14:08:07

14:08:09

14:08:15

14:08:17

24 A. Yes. And what's --

14:08:18

25 Q. The question is, do you have any knowledge

14:08:20

1 as to why those four countries were grouped 14:08:22
2 together in the recommendation from Secretary of 14:08:25
3 State Tillerson to terminate TPS? 14:08:28

4 A. No. But there was discussion, certainly 14:08:36
5 within DHS and discussion with the State 14:08:44
6 Department, of the importance of bundling, if you 14:08:47
7 will, at the very least Honduras and El Salvador so 14:08:53
8 that there was the appearance of treating them 14:08:58
9 equally and fairly, because not to do so would 14:09:02
10 have -- could have important policy consequences 14:09:07
11 for the United States. 14:09:13

12 Q. What kinds of policy consequences are you 14:09:14
13 referring to here? 14:09:18

14 A. So the United States has a regional 14:09:19
15 approach to the Northern Triangle countries of 14:09:21
16 Central America and so to -- and it's very 14:09:26
17 important for policy reasons that we be seen to 14:09:29
18 have a regional approach. And so to treat them as 14:09:32
19 one-offs and perhaps to treat them very differently 14:09:39
20 could have serious policy repercussions for the 14:09:43
21 United States. 14:09:46

22 Q. And do you have any understanding as to 14:09:47
23 why Nicaragua and Haiti would be included in that 14:09:49
24 recommendation? 14:09:54

25 A. I don't. 14:09:54

1 Q. Okay.

14:09:55

2 A. I'd like to clarify that answer.

14:10:13

3 Q. Yes, please.

14:10:15

4 A. I don't, but it would make sense and it
5 would be logical to me to group four countries in
6 the hemisphere together and get on the Secretary's
7 schedule and get on the Secretary of State's radar
8 screen one time rather than have to come at him
9 four times for four separate decisions. It might
10 just have made sense from a time management and
11 policy perspective to do it that way, but that's
12 speculation.

14:10:17

14:10:20

14:10:24

14:10:29

14:10:33

14:10:36

14:10:39

14:10:42

14:10:45

13 Q. Do you know if that had ever happened
14 before?

14:10:45

14:10:47

15 A. I don't know.

14:10:48

16 (Exhibit 36, E-mail dated Saturday, July 8,
17 2017 from Kovarik, Subject Letter to Secretary of
18 State about TPS, marked for identification.)

14:10:49

14:10:49

14:10:51

19 Q. I've marked this as Exhibit 36.

14:10:51

20 A. Okay.

14:11:44

21 Q. This is right around the time that you
22 started. Do you know if this is before or after
23 you started at DHS?

14:11:44

14:11:47

14:11:50

24 A. It's just before. I believe I started on
25 the 10th or 11th.

14:11:51

14:11:54

1 Q. Okay. Were you aware of this
2 communication?

14:11:55

14:11:58

3 A. I don't recall this communication, but I
4 may have seen it.

14:11:58

14:12:01

5 MR. KIRSCHNER: Objection, vague about
6 what is meant by "this communication."

14:12:02

14:12:04

7 Q. So there's a sentence towards the bottom
8 of the middle paragraph that reads, "To avoid
9 sending a separate written request for each
10 country, we have drafted a single letter making an
11 overarching request for State's recommendations and
12 laying out the upcoming TPS review schedule."

14:12:07

14:12:19

14:12:21

14:12:23

14:12:26

14:12:29

13 Do you see that?

14:12:32

14 A. I do.

14:12:33

15 Q. That sentence is in bold.

14:12:33

16 What does this suggest to you?

14:12:40

17 MR. KIRSCHNER: Objection, calls for
18 speculation.

14:12:42

14:12:45

19 A. I think this refers back to my previous
20 answer, that to me, it makes a certain amount of
21 sense to try to get on to a very busy Secretary of
22 State's schedule and radar screen one time rather
23 than four separate times about similar issues. So
24 it may be as simple as that. But beyond that, I
25 couldn't speculate.

14:12:45

14:12:49

14:12:54

14:12:58

14:13:01

14:13:05

14:13:08

1 Q. Does it appear that the recommendation for
2 bundling TPS requests came from USCIS?

14:13:09

14:13:12

3 MR. KIRSCHNER: Objection, calls for
4 speculation.

14:13:12

14:13:25

5 Q. From this e-mail, which I realize was just
6 before the time that you started, does it appear
7 that the request for joining the Department of
8 State's review of countries was at the request of
9 USCIS?

14:13:25

14:13:27

14:13:31

14:13:34

14:13:40

10 MR. KIRSCHNER: Objection, calls for
11 speculation.

14:13:41

14:13:46

12 A. It looks like the intent of the letter is
13 to suggest to the State Department that they bundle
14 the TPS recommendations rather than treat them as
15 separate requests.

14:13:46

14:13:48

14:13:56

14:14:02

16 MS. MacLEAN: Can you get 9?

14:14:36

17 (Exhibit 37, DHS-001-659-000607 - 609,
18 marked for identification.)

14:14:41

14:14:43

19 Q. So this is Exhibit 37. I think many of
20 the questions that I would have asked about this
21 document you've already covered. So I just -- I
22 think maybe one or two questions once you've had a
23 chance to review.

14:14:46

14:15:14

14:15:16

14:15:20

14:15:24

24 A. Okay.

14:15:49

25 Q. So if you look at the e-mail that is at

14:15:49

1 the top of the first page, page 1 of 3, from 14:15:52
2 Ms. Petyo to you, Ms. Petyo says, "They told us we 14:15:57
3 wouldn't get -- we wouldn't get us a package until 14:16:01
4 Friday after promising Chad one today." 14:16:07

5 Would you understand what "a package" 14:16:10
6 referenced in this context or referred to in this 14:16:12
7 context? 14:16:15

8 MR. KIRSCHNER: Objection, foundation, 14:16:15
9 speculative. 14:16:18

10 A. I'm guessing, just because I don't recall 14:16:18
11 the dates off the top of my head, this appears to 14:16:23
12 be the State Department's TPS recommendation to the 14:16:26
13 Secretary. 14:16:35

14 Q. I think the other issues you actually 14:16:36
15 covered already, so I will leave it at that. 14:17:03

16 So you had referenced previously that the 14:17:22
17 main point of contact that you had at the White 14:17:24
18 House concerning TPS was a gentleman in the 14:17:27
19 National Security Council, whose name I'm not 14:17:30
20 recalling. Can you remind me his name? 14:17:33

21 MR. KIRSCHNER: Objection to the extent 14:17:36
22 that mischaracterizes Ambassador Nealon's 14:17:37
23 testimony. You referred to the main contact. I 14:17:40
24 just would like Ambassador Nealon to speak in his 14:17:43
25 own words. 14:17:46

1 Q. Is it correct that your main contact in 14:17:49
2 the White House concerning TPS issues was 14:17:51
3 Mr. Tomasulo? 14:17:55

4 A. So I was in touch with Gary Tomasulo on 14:17:56
5 matters relating to TPS, but mostly in terms of 14:18:01
6 logistics, rollouts, timelines and that sort of 14:18:08
7 thing, yeah. 14:18:11

8 Q. Okay. Were you aware of whether -- 14:18:15

9 MS. MacLEAN: Actually, we'll come back to 14:18:37
10 this. 14:18:39

11 Give me 52, please. 14:18:45

12 (Exhibit 38, AR-HAITI-00000001 - 3, marked 14:18:51
13 for identification.) 14:19:12

14 A. Should I read? 14:19:12

15 Q. Yeah. I think -- I don't know if you need 14:19:13
16 to read the whole paragraph, but if you can skim 14:19:16
17 the e-mail on the first page and read the e-mail on 14:19:19
18 the second page, that would be great. And I don't 14:19:23
19 have too many questions on this. 14:19:35

20 A. Okay. 14:20:18

21 Q. So the e-mail on the second page from Rear 14:20:19
22 Admiral Jones to Major General Norman copies you. 14:20:23

23 Do you remember the context of this 14:20:30
24 e-mail? 14:20:33

25 A. Yes, I do. So I recall that Acting 14:20:36

1 Secretary Duke met with Admiral Tidd, who at that 14:20:51
2 time was the Commander of U.S. Southern Command 14:20:55
3 which oversees U.S. military cooperation with Haiti 14:21:00
4 and they talked about a lot of things. But she had 14:21:06
5 also asked -- she, Acting Secretary Duke, had also 14:21:09
6 asked Admiral Tidd about TPS. And so this exchange 14:21:14
7 looks like a follow-up from that meeting where 14:21:24
8 Admiral Jones, who was the Secretary's military 14:21:28
9 advisor, he's a Coast Guard admiral, reached out to 14:21:32
10 the staff at U.S. Southern Command and asked for 14:21:38
11 some more granular input, which is what this 14:21:43
12 message from Major General Norman looks to be. 14:21:47

13 Q. Were you aware of whether the Department 14:21:53
14 of Defense in any capacity, SouthCom or another 14:21:56
15 component of the Department of Defense provided 14:21:59
16 input into TPS determinations beyond Haiti? 14:22:02

17 MR. KIRSCHNER: Objection. It's asking 14:22:11
18 Ambassador Nealon to kind of guess without context. 14:22:14
19 I just want to make sure that there's proper 14:22:16
20 foundation for the question. 14:22:19

21 Q. Were you aware of whether the Department 14:22:21
22 of Defense was engaged in any other conversations 14:22:26
23 about TPS determinations during your tenure there 14:22:29
24 besides specific communications regarding the TPS 14:22:32
25 determination for Haiti? 14:22:38

JAMES D. NEALON - 08/14/2018

Page 186

1 A. I don't recall any.

14:22:40

2 Q. Okay. This is already marked from a

14:22:41

3 previous deposition as Exhibit 6.

14:23:31

4 A. I don't see my response.

14:24:04

5 Q. Yeah, we don't have your response either,

14:24:05

6 I think.

14:24:09

7 MR. KIRSCHNER: Objection, that's a

14:24:10

8 mischaracterization of this.

14:24:12

9 MS. MacLEAN: Let's leave that aside.

14:24:14

10 MR. KIRSCHNER: I just wanted -- there's

14:24:15

11 -- the document on its face does not make clear

14:24:19

12 whether there was a redaction or not. There's a

14:24:22

13 forward, it doesn't mean that there was a response.

14:24:25

14 MS. MacLEAN: There may not have been a

14:24:28

15 response. It's possible there was not a response.

14:24:29

16 MR. KIRSCHNER: Didn't want to have the

14:24:31

17 record mischaracterized.

14:24:33

18 Q. So the e-mail that is outlined or that

14:24:37

19 starts from Ms. Neubel Kovarik to you,

14:24:40

20 Mr. Dougherty and Mr. Culver, copying Mr. Hamilton

14:24:46

21 has as its subject "TPS interagency consultations."

14:24:52

22 Do you recall the context of this

14:24:52

23 communication?

14:24:56

24 MR. KIRSCHNER: Objection, foundation.

14:24:57

25 A. I don't.

14:25:01

1 Q. Who is Mr. Culver?

14:25:02

2 A. Jared Culver is someone who works in the
3 borders, immigration, and trade assistant
4 secretaryship of the Office of Policy.

14:25:09

14:25:19

14:25:22

5 Q. Okay. The second page of the e-mail at
6 the top asks for you to gather input from federal
7 partners including State, DOD, Justice, DPC, and
8 NSC. First of all, what does "DOD" refer to here?

14:25:24

14:25:32

14:25:45

14:25:53

9 A. That would be the Department of Defense.

14:25:57

10 Q. What does "DPC" refer to here?

14:26:00

11 A. That would be the Domestic Policy Counsel.

14:26:02

12 Q. And what does "NSC" refer to here?

14:26:02

13 A. That would be the National Security
14 Counsel.

14:26:02

14:26:07

15 Q. Do you understand this mail is related to
16 TPS?

14:26:07

14:26:09

17 A. I do.

14:26:10

18 Q. Do you recall setting up a meeting with
19 the federal partners that are outlined here?

14:26:10

14:26:15

20 A. I don't. It doesn't mean I didn't, but I
21 don't recall.

14:26:19

14:26:26

22 Q. Understood.

14:26:26

23 Do you recall being asked to set up such a
24 meeting?

14:26:27

14:26:30

25 A. I don't.

14:26:30

JAMES D. NEALON - 08/14/2018

Page 188

1 Q. Do you recall any interest in -- from the 14:26:30
2 Department of Homeland Security in the position of 14:26:55
3 the Domestic Policy Council with regard to TPS? 14:26:57

4 A. Yes. 14:27:03

5 Q. In what context? 14:27:04

6 MR. KIRSCHNER: Objection to the extent 14:27:06
7 this is calling for internal government 14:27:08
8 deliberations. I instruct you not to answer. If 14:27:10
9 you have a general answer, you can provide it, but 14:27:13
10 if it gets into the internal deliberations, I would 14:27:16
11 instruct you not to answer. 14:27:18

12 THE WITNESS: So, thank you. 14:27:25

13 A. So obviously, the Domestic Policy Council 14:27:27
14 has a very large stake in all decisions related to 14:27:36
15 immigration, including TPS decisions. So the 14:27:40
16 answer is yes, there was keen interest in the 14:27:46
17 Domestic Policy Council on TPS. 14:27:48

18 Q. And I misspoke, because actually we do 14:27:50
19 have further communications on this. 14:27:55

20 A. Okay. 14:27:57

21 MS. MacLEAN: Can you pull the next one, 14:28:07
22 actually? 14:28:09

23 (Exhibit 39, DHS-001-659-000689 - 691, 14:28:20
24 marked for identification.) 14:28:25

25 Q. I didn't realize this was in the same 14:28:28

1	chain.	14:28:31
2	A. Thank you.	14:28:31
3	MR. KIRSCHNER: Is this -- is this	14:28:57
4	exhibit --	14:28:59
5	MS. FISHFELD: 39.	14:29:03
6	MS. MacLEAN: 39, yeah.	14:29:06
7	MR. KIRSCHNER: I don't want to go off	14:29:10
8	your line of questioning, but it's 2:30.	14:29:13
9	MS. MacLEAN: I think the idea is that we	14:29:17
10	finish at 2:50 for you to have your phone call; is	14:29:19
11	that correct?	14:29:23
12	THE WITNESS: If that's okay.	14:29:23
13	MR. KIRSCHNER: Don't want to break up --	14:29:25
14	MS. MacLEAN: No, that's okay.	14:29:27
15	Q. So this may make it clear as to why you	14:29:28
16	didn't recall.	14:29:31
17	A. I was in Australia.	14:29:32
18	Q. Yes.	14:29:34
19	So if you --	14:29:43
20	A. Sorry, I'm just going to finish reading.	14:29:44
21	Q. Please.	14:29:47
22	A. Okay.	14:30:03
23	Q. I won't ask you about the first e-mail.	14:30:03
24	A. That's actually the last e-mail.	14:30:06
25	Q. The last e-mail, yes. Maybe I will.	14:30:08

JAMES D. NEALON - 08/14/2018

Page 190

1	So if we turn to the e-mail from	14:30:11
2	Mr. Dougherty on October 24 at 9:31 p.m. on the	14:30:24
3	bottom of page 2, Mr. Dougherty identifies that you	14:30:28
4	are on overseas travel, but that he and Jared --	14:30:34
5	which is Mr. Culver from the previous exchange, I	14:30:39
6	believe; is that correct?	14:30:44

7	A. Yes.	14:30:44
---	---------	----------

8	Q. -- can work to set this up.	14:30:45
---	--------------------------------	----------

9	Mr. Hamilton, two e-mails up, says, "This	14:30:50
10	needs to happen in the next day or two in all	14:30:54
11	likelihood."	14:30:57

12	Do you have any understanding why there	14:30:58
13	was urgency to set up that meeting?	14:31:01

14	MR. KIRSCHNER: Objection, calls for	14:31:03
15	speculation.	14:31:04

16	A. So again, I would have to look at the	14:31:04
17	timelines, but I believe this is being driven by	14:31:07
18	the need for the Secretary to make a TPS decision	14:31:10
19	very soon.	14:31:14

20	Q. Okay. And then in the e-mail that	14:31:15
21	followed that, you say that you're in Australia.	14:31:22
22	You'd like to participate if this happens, is this	14:31:31
23	AS1's initiative or USCIS's initiative.	14:31:31

24	Who do you understand "AS1" to be here?	14:31:35
----	---	----------

25	A. AS1 is Acting Secretary Duke.	14:31:38
----	----------------------------------	----------

1 Q. Do you recall why you asked the question 14:31:41
2 of whether it was Acting Secretary Duke's 14:31:43
3 initiative or USCIS's initiative? 14:31:49

4 A. I would ask such a question because if the 14:31:52
5 Secretary were asking me to do something, that 14:31:54
6 would be one thing. If Kathy Neubel Kovarik was 14:31:56
7 asking me do something, that would be another 14:32:00
8 thing. 14:32:02

9 Q. How would you differentiate how you might 14:32:02
10 respond depending on who was asking the question? 14:32:06

11 A. If the Secretary asked me to do something 14:32:08
12 and it was legal, moral and ethical, it would get 14:32:11
13 done. If someone from another DH element asked me 14:32:17
14 to do something, I would determine whether it fit 14:32:23
15 into our priorities and was something that needed 14:32:26
16 to get done or not. 14:32:29

17 Q. And how would you characterize Ms. Neubel 14:32:31
18 Kovarik's response to your question? 14:32:37

19 A. It's not a direct answer to my question. 14:32:49

20 Q. Do you have any understanding as to why 14:32:51
21 Ms. Neubel Kovarik thought you were in a better 14:33:02
22 position to bring the parties together as she 14:33:06
23 writes? 14:33:07

24 MR. KIRSCHNER: Objection, calls for 14:33:07
25 speculation. Counsel has testified about the -- in 14:33:08

1 characterizing the document, lack of foundation.

14:33:12

2 A. So either USCIS or the Office of Policy
3 would be logical offices to organize such a call.
4 USCIS because they were the ones preparing the memo
5 for the Secretary. The Office of Policy because we
6 were -- the Office of Policy functions as the
7 office which gives policy advice to the Secretary.
8 So either office could have organized such a call.

14:33:18

14:33:29

14:33:34

14:33:39

14:33:44

14:33:49

14:33:53

9 Q. Okay. And the next e-mail you write, half
10 an hour after e-mail from Ms. Nuebel Kovarik,
11 "Kathy, When does USCIS expect to send forward the
12 memo?"

14:33:56

14:34:03

14:34:07

14:34:13

13 What's the memo that you're referring to
14 here? To the extent that you know.

14:34:14

14:34:16

15 A. This would be the recommendation on --
16 again, I would have to look at the dates to see
17 what was in play at that time, but this is almost
18 surely a recommendation to the Secretary on making
19 a TPS decision.

14:34:17

14:34:20

14:34:22

14:34:25

14:34:30

20 Q. And you laughed when you first looked at
21 what I imagine to be the first memo in the chain.
22 Leave that aside. But do you have any
23 understanding as to why Ms. Petyo would write
24 "Ridiculous" in response to the communication chain
25 below?

14:34:31

14:34:33

14:34:33

14:34:35

14:34:41

14:34:44

JAMES D. NEALON - 08/14/2018

Page 193

1 A. I think the important information here is 14:34:45
2 that my Chief of Staff in my absence was bringing 14:34:48
3 this series of events to the -- to the knowledge of 14:34:53
4 the front office. 14:35:02

5 Q. Okay. 14:35:03

6 MR. KIRSCHNER: I just want to -- I know 14:35:03
7 you left out -- I just want to make sure that this 14:35:04
8 was -- counsel's representation of what Ambassador 14:35:08
9 Nealon's reaction is not Ambassador Nealon's 14:35:11
10 recitation of how he reacted to this e-mail chain. 14:35:15

11 MS. MacLEAN: That's correct. And I 14:35:20
12 retract that comment. I apologize. 14:35:23

13 So thank you. 14:35:25

14 Q. I'm going to give you an exhibit that has 14:36:21
15 previously been marked as Exhibit 12. 14:36:24

16 MR. KIRSCHNER: Are we going to be able to 14:36:31
17 fit this one in? 14:36:33

18 MS. MacLEAN: No. We'll start it now, and 14:36:34
19 we'll come back to it after the phone call. 14:36:37

20 MR. KIRSCHNER: Sorry. I didn't mean 14:36:43
21 to... 14:36:48

22 A. Okay. 14:36:54

23 Q. Do you recall this document? 14:36:55

24 A. I do. 14:36:57

25 Q. Can you describe what this document was 14:36:57

1 and the context in which it was written?

14:37:02

2 MR. KIRSCHNER: Objection to the extent it
3 calls for a narrative answer.

14:37:04

14:37:06

4 A. So as I described, Acting Secretary Duke's
5 information-gathering process in anticipation of
6 making TPS decisions, she was casting a very wide
7 net and reading voraciously and consulting widely,
8 and she asked me to write something for her that
9 gave my opinion on the TPS decision.

14:37:09

14:37:20

14:37:24

14:37:30

14:37:36

14:37:46

10 Q. At what point did Ambassador -- sorry, did
11 Acting Secretary Duke ask you to write something to
12 provide your opinion?

14:37:49

14:37:54

14:37:57

13 A. My guess is since this is dated
14 October 31st, on October 30th or October 31st. So
15 if she had asked for it, I would have done it and
16 sent it up to her immediately.

14:38:00

14:38:05

14:38:09

14:38:12

17 Q. Consistent with your previous answer about
18 responding to the requests from the Acting
19 Secretary or the Secretary.

14:38:14

14:38:19

14:38:22

20 Do you recall the basis for your -- your
21 representations that are included within this
22 memorandum for the Acting Secretary?

14:38:22

14:38:32

14:38:33

23 A. Yes.

14:38:36

24 MR. KIRSCHNER: Going to object as vague.

14:38:36

25 Q. What was -- what was the basis for your

14:38:39

1 representations expressed in this memorandum for 14:38:40
2 the Acting Secretary? 14:38:43

3 A. So I knew that she had talked to a 14:38:46
4 tremendous number of people, I knew that she had 14:38:49
5 read volumes and volumes. She had consulted with 14:38:52
6 faith-based groups, with foreign governments, with 14:38:57
7 civil society, and so what I wanted to do is write 14:39:01
8 her something that was very short and pithy and 14:39:04
9 which might help her weed through and make sense of 14:39:12
10 everything that she had heard and read. 14:39:14

11 Q. Had you expressed -- well, is it fair to 14:39:19
12 characterize the representations that you include 14:39:22
13 within this memo as expressions of concern about 14:39:25
14 the possible termination of TPS for Honduras, 14:39:34
15 Nicaragua, and El Salvador? 14:39:38

16 MR. KIRSCHNER: Objection, counsel is 14:39:40
17 testifying. Ambassador Nealon should be able to 14:39:43
18 address the memo in his own words. 14:39:46

19 Q. How would you characterize the 14:39:48
20 recommendation that you're making within this memo? 14:39:52

21 A. I tried to write something that I 14:39:56
22 considered to be very pragmatic. And so, I mean, I 14:39:58
23 think the memo speaks for itself. I don't feel the 14:40:01
24 need to describe the memo since you have it. But 14:40:04
25 that was my motivation. I wanted to try and help 14:40:07

1 her because she had spoken to so many people and 14:40:10
2 read so much, I wanted to try and help her boil 14:40:17
3 things down. 14:40:21

4 Q. And had you expressed sentiments that are 14:40:22
5 similar to the sentiments that are expressed here 14:40:26
6 to Acting Secretary Duke prior to putting it in 14:40:31
7 written form here? 14:40:34

8 A. Yes. 14:40:35

9 Q. Do you remember more or less when you made 14:40:37
10 the first expressions to Acting Secretary Duke that 14:40:41
11 you would recommend the extension of TPS for 14:40:50
12 Honduras, Nicaragua, and El Salvador? 14:40:53

13 A. No. I don't -- I don't remember a 14:41:01
14 specific first conversation. 14:41:02

15 Q. Was this conversation -- or were these 14:41:04
16 concerns or representations that are included 14:41:07
17 within this memo following conversations that took 14:41:10
18 place over days before that or weeks before that or 14:41:15
19 months before that, in your recollection? 14:41:17

20 MR. KIRSCHNER: Objection, counsel 14:41:19
21 testifying about concerns or recommendations. I 14:41:20
22 just want Ambassador Nealon to speak about the memo 14:41:23
23 in his own words. 14:41:26

24 A. So as I've described, this decision was 14:41:31
25 very much on her mind. She was struggling with it 14:41:34

1 in a good sense of the word, struggling with it as 14:41:38
2 a -- as an intelligent, hard-working government 14:41:42
3 employee would struggle with a very consequential 14:41:47
4 decision. 14:41:50

5 And so, again, this was just my attempt to 14:41:51
6 write something that was very short, pragmatic, and 14:41:55
7 that might be of some use to her. 14:42:00

8 Q. Had you expressed the positions that 14:42:02
9 you've outlined in this memo to others in the 14:42:06
10 Department prior to the writing of this memo? 14:42:08

11 A. Yes. Certainly, I mean, I had spoken up 14:42:12
12 at meetings where TPS was raised. You know, 14:42:16
13 frankly, the other reason I wrote the memo is 14:42:20
14 because I did have a different perspective -- a 14:42:23
15 unique perspective, having been the Ambassador to 14:42:26
16 Honduras, a TPS country, and knowing firsthand the 14:42:30
17 country conditions in a way that other people 14:42:34
18 simply didn't. 14:42:36

19 And I thought that articulating that very 14:42:37
20 briefly for her also might help her. 14:42:41

21 Q. How did your knowledge of the country 14:42:43
22 conditions in your position as Ambassador to 14:42:54
23 Honduras inform your recommendation to Acting 14:42:57
24 Secretary Duke? 14:43:03

25 A. Well, again, I -- I would say that I 14:43:03

1 understood the foreign policy implications better 14:43:13
2 than most people did, the foreign policy 14:43:18
3 implications of extending or of terminating. 14:43:20

4 I understood the -- the possible effects 14:43:28
5 on migration, on our ability to help the countries 14:43:32
6 of Central America stem further migration if we 14:43:37
7 were to send back large numbers of TPS grantees. 14:43:43

8 So, I mean, I think this is all pretty 14:43:47
9 clear. 14:43:51

10 Q. I'm not suggesting that it's not clear. 14:43:51
11 It's just hard to respond to it and not put words 14:43:55
12 in your mouth, but allow a further conversation 14:43:58
13 about this. So I appreciate your efforts to try to 14:44:01
14 elaborate on that. 14:44:03

15 Do you know who this memo was shared with? 14:44:05

16 A. Um, so I would have sent it to -- you 14:44:08
17 know, I honestly don't recall exactly how I 14:44:29
18 delivered it to her. I don't recall whether I went 14:44:32
19 through the Executive Secretary process or whether 14:44:35
20 she asked me to send it directly to her, to her 14:44:37
21 Chief of Staff. I just don't recall. 14:44:41

22 Q. Okay. 14:44:43

23 A. It -- it probably went through the 14:44:44
24 Executive Secretary process because other people in 14:44:45
25 DHS saw it, so it probably did get disseminated 14:44:49

1 through the process.

14:44:53

2 Q. We talked previously about the debate, if
3 it's possible to characterize it that way, around a
4 strict constructionist or a more expansive view of
5 the TPS statute.

14:44:54

14:45:01

14:45:04

14:45:08

6 How would you characterize the concerns
7 that you've identified here or the factors that
8 you've identified here as fitting into an
9 interpretation of the TPS statute?

14:45:15

14:45:17

14:45:20

14:45:25

10 Do you think --

14:45:31

11 MS. MacLEAN: Let me step back and try to
12 make that a clearer question.

14:45:32

14:45:34

13 Q. The factors that you've identified here,
14 do you think those factors are relevant factors in
15 considering whether TPS for a country may be
16 extended or should be terminated?

14:45:35

14:45:37

14:45:42

14:45:47

17 MR. KIRSCHNER: Objection, calling for
18 legal conclusions.

14:45:51

14:45:53

19 A. So, yes, I believe that -- that the
20 factors I described earlier that enter into the
21 Secretary's decision-making process are all
22 legitimate factors to be considered, so I certainly
23 considered that the statute itself, whether you --
24 whether you interpret it strictly or more flexibly
25 is very important.

14:45:58

14:46:05

14:46:09

14:46:12

14:46:17

14:46:20

14:46:24

JAMES D. NEALON - 08/14/2018

Page 200

1 The temporal nature of temporary protected
2 status is very important, and I addressed that in
3 the memo. And the policy considerations are very
4 important. So I consider all those things to be
5 important, relevant, legitimate considerations.

6 Q. And when you were Ambassador to Honduras,
7 was it your understanding that these factors were
8 considered in the TPS determinations that occurred
9 at that time?

10 MR. KIRSCHNER: Objection, vague,
11 speculative.

12 A. So -- so honestly, I didn't have much of a
13 window into the final TPS decision when I was
14 Ambassador to Honduras. We provided our input and,
15 you know, it went through the policy churn and a
16 decision came back. But I didn't have particular
17 insight into what happened in Washington.

18 Q. Do you recall providing similar feedback
19 or related feedback to the Department of State
20 regarding TPS when TPS for Honduras was up for
21 review while you were Ambassador to Honduras?

22 MR. KIRSCHNER: Objection. To the extent
23 this is calling for internal government
24 deliberations from when you were Ambassador to
25 Honduras, I would instruct you not to answer.

14:46:27

14:46:30

14:46:31

14:46:34

14:46:36

14:46:39

14:46:43

14:46:45

14:46:50

14:46:50

14:46:54

14:46:55

14:46:58

14:47:09

14:47:12

14:47:16

14:47:19

14:47:19

14:47:25

14:47:28

14:47:33

14:47:38

14:47:40

14:47:42

14:47:47

1 To the extent you are answering just 14:47:47
2 whether you provided feedback or provided input, 14:47:47
3 you could answer that question. But the internal 14:47:48
4 government deliberations and recommendations that 14:47:49
5 were made, I would instruct you not to answer. 14:47:52

6 A. Yes. We did provide input to the 14:47:55
7 Department of State when TPS came up for renewal 14:47:58
8 when I was Ambassador to Honduras. 14:48:01

9 Q. And do you recall providing input that 14:48:03
10 looked at considerations, like the considerations 14:48:14
11 that you had included here in this memo for the 14:48:17
12 Acting Secretary? 14:48:21

13 MR. KIRSCHNER: Objection. To the extent 14:48:22
14 that kind of what input and what factors were to be 14:48:24
15 part of your consideration, that would be revealing 14:48:26
16 of internal government deliberations, I would 14:48:29
17 instruct you not to answer. 14:48:33

18 MS. MacLEAN: I would note, Counsel, that 14:48:35
19 it is outlined here, that level of detail, about a 14:48:38
20 process that had not been resolved at that point. 14:48:41
21 But I'll leave it at that. And I realize this 14:48:44
22 question is still outstanding by the court. 14:48:47

23 MR. KIRSCHNER: And I will say that -- 14:48:49
24 that we -- this just shows how revealing we have 14:48:50
25 been of deliberations in terms of making it 14:48:53

JAMES D. NEALON - 08/14/2018

Page 202

1 where -- a -- we are willing to provide formal 14:48:59
2 deliberations concerning the decisions that were -- 14:49:03
3 are at issue in this litigation. And so I'll leave 14:49:05
4 it at that, that there's a disagreement of where we 14:49:10
5 are drawing the line on deliberative process. 14:49:12

6 MS. MacLEAN: Okay. So I think this is a 14:49:15
7 good stopping point. I know you get a few minutes 14:49:18
8 for your call, and hopefully a little bit of a 14:49:20
9 break beforehand. So go off the record. 14:49:24

10 THE VIDEOGRAPHER: The time is 2:49. We 14:49:26
11 are off the record. 14:49:31

12 (Proceedings interrupted at 2:49 p.m. and 14:49:31
13 reconvened at 3:11 p.m.) 14:49:32

14 THE VIDEOGRAPHER: The time is 3:11. We 15:10:43
15 are back on the record. 15:11:05

16 MS. MacLEAN: And Counsel, you had 15:11:08
17 identified there was one clarifying question you 15:11:09
18 wanted to ask. 15:11:12

19 MR. KIRSCHNER: Yes. Counsel had asked 15:11:14
20 you about who this -- this document dated 15:11:16
21 October 31st from you to Acting Secretary Duke on a 15:11:19
22 coming designation decision for TPS, who it's 15:11:28
23 distributed to, and I just want to ask for 15:11:33
24 clarification if you're aware whether it was in 15:11:36
25 government or in the public, if it was provided in 15:11:36

JAMES D. NEALON - 08/14/2018

Page 203

1 some fashion, or it was in the possession of 15:11:38
2 anybody else outside of the ones you identified 15:11:40
3 within the Department of Homeland Security? 15:11:43

4 THE WITNESS: Yes. So I was told that the 15:11:46
5 memo was sent to the White House, and I don't know 15:11:50
6 specifically who at the White House. And I know 15:11:54
7 the memo was also leaked to the media because a 15:11:56
8 story appeared -- a couple of stories appeared in 15:12:03
9 Breitbart. 15:12:06

10 MS. MacLEAN: Thank you for that 15:12:10
11 clarification. 15:12:11

12 BY MS. MacLEAN: 15:12:12

13 Q. Do you know how the memo was sent to the 15:12:12
14 White House? 15:12:15

15 A. I don't. 15:12:15

16 Q. Do you know who sent the memo to the White 15:12:15
17 House? 15:12:19

18 A. I don't. 15:12:19

19 Q. How do you know that a memo was sent to 15:12:20
20 the White House, if I may ask? 15:12:23

21 A. I don't recall who told me, but I was told 15:12:23
22 that it was sent to the White House. 15:12:26

23 Q. Okay. So do you know when roughly it was 15:12:29
24 sent to the White House? Was it soon after the 15:12:35
25 memo was written or substantially after the memo 15:12:38

1 was written?

15:12:40

2 A. Soon after the memo was written.

15:12:41

3 Q. When you say "soon," do you mean in the --

15:12:43

4 A. Matter of days.

15:12:46

5 Q. Matter of days.

15:12:47

6 Do you know why Acting Secretary Duke
7 asked you to write this memo?

15:12:49

15:12:59

8 MS. MacLEAN: Let me step back.

15:13:02

9 Q. Was Acting Secretary Duke aware of your
10 position on the determination -- the TPS
11 determination for Honduras, Nicaragua, and El
12 Salvador at the time she asked you to write the
13 memo?

15:13:03

15:13:07

15:13:14

15:13:18

15:13:20

14 A. Yes, I believe she was. I don't recall
15 coming out and banging my fist and telling her
16 that, you know, this is the decision you have to
17 make. I do remember speaking up in meetings and --
18 and making points and cases to counter other points
19 that other people were making.

15:13:22

15:13:32

15:13:37

15:13:38

15:13:41

15:13:46

20 Q. Um-hum.

15:13:48

21 A. And she also knew that I had this other
22 experience that she didn't have and that others in
23 the Department didn't have and she wanted to have
24 the benefit of that perspective.

15:13:49

15:13:54

15:13:56

15:13:59

25 Q. Had you shared prior to writing this memo

15:14:03

1 your thoughts about TPS for Honduras, Nicaragua, 15:14:10
2 and El Salvador as informed by your time as 15:14:15
3 Ambassador to Honduras? 15:14:18

4 MR. KIRSCHNER: Objection, confusing. 15:14:19

5 A. So what I tried to do in discussions about 15:14:28
6 these countries was broaden the discussion beyond 15:14:31
7 just the statute or the temporary nature of 15:14:34
8 temporary protected status and bring in a couple of 15:14:37
9 other elements, one of them being what I believe I 15:14:41
10 called the humanitarian or fairness issue. What do 15:14:46
11 you do with people who have been in the country for 15:14:49
12 20 years or more, who have American citizen 15:14:53
13 children, who no longer have ties to the country to 15:14:56
14 which we are going to send them back to, and who 15:15:00
15 could compound U.S. policy in those countries, 15:15:05
16 which is aimed at getting at the push, the very 15:15:10
17 push factors of migration, the very issues that 15:15:13
18 force people to migrate. 15:15:17

19 So those were perspectives that she wasn't 15:15:19
20 necessarily getting in other quarters, so I think 15:15:23
21 that's why she asked me to write the memo. 15:15:27

22 Q. Is it your understanding that Secretary -- 15:15:29
23 Acting Secretary Duke was interested not only in 15:15:35
24 your understanding of these issues, some of which 15:15:39
25 she already had access to from conversations that 15:15:45

JAMES D. NEALON - 08/14/2018

Page 206

1 you'd had previously, but also a written document 15:15:48
2 that expressed that TPS should be extended for 15:15:51
3 Honduras, Nicaragua, and El Salvador? 15:15:59

4 A. I don't know. 15:16:00

5 Q. Okay. Do you have any understanding of 15:16:00
6 why she asked you to put in writing your thoughts? 15:16:11

7 MR. KIRSCHNER: Objection, asked and 15:16:13
8 answered. 15:16:15

9 A. No, not really. I mean, I really think 15:16:16
10 she was -- she was struggling with an important 15:16:29
11 decision and she was looking for help, and she 15:16:33
12 thought I might have some perspectives that would 15:16:40
13 be useful for her. I think it's really as simple 15:16:42
14 as that. 15:16:45

15 Q. Um-hum. Do you know how the input that 15:16:46
16 you provided elaborated in this memo was used to 15:16:51
17 inform the decision that was ultimately taken by -- 15:16:54

18 A. I don't. 15:16:57

19 Q. -- Acting Secretary Duke? 15:16:58

20 THE WITNESS: Sorry. 15:17:01

21 A. I don't. 15:17:03

22 (Exhibit 40, DHS_RFPD_00000040, marked for 15:17:18
23 identification.) 15:17:54

24 MR. KIRSCHNER: Could we identify the 15:17:54
25 exhibit for the record? 15:17:56

1 MS. MacLEAN: Yes. I've just introduced 15:17:57
2 Exhibit 40, which is a memoranda from Acting 15:18:00
3 Secretary Duke to USCIS Director Cissna and the 15:18:06
4 witness here from November 6, 2017. 15:18:18

5 Q. So can you describe what this document is 15:18:27
6 that we're looking at? 15:18:32

7 A. This is Acting Secretary Duke's decision 15:18:32
8 to terminate TPS for Nicaragua. 15:18:35

9 Q. And this is less than a week after the 15:18:37
10 memo that you provided; is that correct? 15:18:40

11 A. Yes. 15:18:42

12 Q. Did Acting Secretary Duke make any 15:18:42
13 decisions with regard to the two other countries 15:18:48
14 that were included in your memo for the Acting 15:18:51
15 Secretary of October 31, 2017 at this time? 15:18:56

16 A. You know, I honestly don't recall the 15:19:01
17 precise timeline of the various TPS decisions. 15:19:04

18 Q. Let me go back to the exhibit that was 15:19:12
19 previously marked as Exhibit 12, which is your memo 15:19:15
20 to Acting Secretary Duke. You had included in that 15:19:17
21 memo Honduras, Nicaragua, and El Salvador. Why did 15:19:23
22 you include all three of those countries? 15:19:27

23 A. It's actually a very good question and in 15:19:30
24 retrospect and in re-reading the memo, the memo is 15:19:33
25 really talking about Honduras and El Salvador. So 15:19:37

1 it's unfortunate that I marked the memo with 15:19:40
2 Nicaragua as well, because Nicaragua wasn't really 15:19:44
3 subject to the same kind of discussion as the other 15:19:48
4 two countries. First of all, Nicaragua had not 15:19:51
5 requested a renewal of temporary protected status 15:19:57
6 and secondly, the country conditions were just 15:20:00
7 very, very different at that time, a lot less 15:20:07
8 violence, for example, and I don't think anybody 15:20:09
9 saw a real problem in Nicaragua taking back 15:20:14
10 repatriated citizens. So Nicaragua was always a 15:20:17
11 different problem set than Honduras and El 15:20:27
12 Salvador. 15:20:30

13 Q. Was it requested by Acting Secretary Duke 15:20:30
14 that you provide a memo concerning Honduras, 15:20:33
15 Nicaragua, and El Salvador? 15:20:38

16 A. You know, I don't recall exactly what she 15:20:38
17 asked me. But I do recall that she was really 15:20:40
18 ruminating about El Salvador and Honduras. There 15:20:48
19 was much less discussion -- I actually don't recall 15:20:53
20 very much discussion at all about Nicaragua. 15:20:54

21 Q. Do you recall that Acting Secretary Duke 15:20:57
22 at some point during her tenure did not make a 15:21:07
23 decision about the TPS designation -- 15:21:10

24 MS. MacLEAN: Sorry. Let me go back. 15:21:13

25 Q. Do you recall that at some point during 15:21:15

1 her tenure as Acting Secretary, Acting Secretary 15:21:17
2 Duke did not make a decision about the TPS 15:21:21
3 determination for Honduras allowing it to 15:21:28
4 automatically extend for six months? 15:21:31

5 A. Yes. 15:21:34

6 MR. KIRSCHNER: Objection. I was going to 15:21:35
7 say objection. Counsel testifying and 15:21:36
8 characterizing the evidence. I'd ask Ambassador 15:21:39
9 Nealon be able to put it in his own words. 15:21:40

10 Q. Then a week later after your memo, Acting 15:21:43
11 Secretary Duke made a determination with regard to 15:21:50
12 Nicaragua. Do you recall if this is the time 15:21:51
13 period where Acting Secretary Duke did not make a 15:21:53
14 decision with regard to Honduras, allowing Honduras 15:21:58
15 to automatically extend? 15:22:02

16 A. Again, I simply don't remember the exact 15:22:04
17 chronology of the various decisions. 15:22:07

18 Q. Fair enough. 15:22:09

19 (Exhibit 41, NewsRoom article dated May 10, 15:22:34
20 2018, marked for identification.) 15:22:36

21 Q. So I'm marking the next exhibit as 15:22:36
22 Exhibit 41. And this is an op-ed in the Washington 15:22:41
23 Post that you wrote with Ambassador Feeley on 15:22:48
24 May 10th, 2018. 15:22:55

25 A. Okay. 15:24:24

1 Q. Was the decision to terminate TPS for 15:24:31
2 Honduras ultimately made during your tenure at DHS? 15:24:34

3 A. Um, I don't believe so. I believe it was 15:24:37
4 made after I left. 15:24:42

5 Q. If I could go back to something you said 15:24:43
6 at the outset. You mentioned when I asked very 15:24:46
7 early on why you decided to leave the Department, 15:24:52
8 can you elaborate a bit more about why you decided 15:25:00
9 to leave the Department? 15:25:04

10 MR. KIRSCHNER: Objection, calls for a 15:25:05
11 narrative answer. 15:25:07

12 A. Yeah. I mean, I would refer you back to 15:25:09
13 how I answered that question previously. I think 15:25:13
14 that answer stands. 15:25:16

15 Q. You mentioned, if I recall, that you were 15:25:18
16 a political appointee and didn't feel 15:25:27
17 comfortable -- if you were a political appointee 15:25:31
18 and didn't feel comfortable supporting the range of 15:25:33
19 policies that were required as a political 15:25:36
20 appointee, you didn't feel comfortable in that 15:25:38
21 position. Is that a reasonably fair 15:25:41
22 characterization? 15:25:43

23 A. I think what I said, and again it would 15:25:44
24 probably be best to refer back to the transcript 15:25:49
25 because I stand by what I said. But I believe what 15:25:50

1 I said was that I felt obligated to leave as a 15:25:54
2 political appointee who felt he couldn't fully 15:25:58
3 represent all of the administration's policies. 15:26:04

4 Q. Are there certain policies that led you to 15:26:07
5 feel obligated to leave? 15:26:12

6 THE WITNESS: Do I have to go into this? 15:26:30

7 I mean -- 15:26:32

8 A. I'll ask you. So I feel like I gave you 15:26:34
9 an honest and heartfelt answer -- 15:26:38

10 Q. I appreciate it. 15:26:41

11 A. -- to the question. And I don't really 15:26:42
12 have more to say than that. I think if we go back 15:26:45
13 and look at what I said, it stands on its own and 15:26:51
14 that's why I left. 15:26:54

15 Q. Let me ask just maybe one other question 15:26:55
16 more specifically related to this. And I 15:26:58
17 apologize, I understand that this is after a career 15:27:00
18 of service to the country, I imagine it was an 15:27:03
19 intense decision without putting words in your 15:27:06
20 mouth and a difficult one, and I appreciate that 15:27:10
21 it's a heartfelt answer, and it's on the record, 15:27:12
22 and I understand that there are complications with 15:27:14
23 that. 15:27:16

24 Were the discussions around TPS -- did the 15:27:17
25 discussions around TPS and the administration's 15:27:21

1 decisions with regard to TPS inform your decision 15:27:24
2 to leave? 15:27:26

3 A. You know, I think I said in my original 15:27:27
4 answer that in 34 years in government, I won and 15:27:30
5 lost hundreds of policy battles, and so I'm not a 15:27:33
6 guy who would, you know, get up and take his 15:27:37
7 checkerboard with him because he lost a policy 15:27:40
8 fight, right? So that's really not why I left. 15:27:43

9 I left really because I didn't feel like I 15:27:49
10 could represent the administration, and so I felt 15:27:53
11 obligated to leave. I didn't leave in anger, I 15:27:56
12 left in sorrow. 15:27:59

13 Q. I really appreciate that, and I apologize 15:28:02
14 for the probing questions on I'm sure a difficult 15:28:05
15 topic. 15:28:10

16 If I could turn to the op-ed that you 15:28:12
17 wrote. What led you to write the op-ed that you 15:28:14
18 wrote here? 15:28:18

19 A. So after 34 years in government, I was 15:28:19
20 suddenly unleashed and able to express my opinion 15:28:30
21 openly and publicly. And so I've been doing that 15:28:36
22 since I left government, and this is an example of 15:28:42
23 that. 15:28:44

24 Q. Were you particularly concerned around the 15:28:44
25 decision to terminate TPS for Honduras, has that 15:28:54

1 been an area that you have been particularly
2 outspoken on, would you say?

15:28:58

15:29:01

3 MR. KIRSCHNER: Objection, vague, not
4 temporal in scope.

15:29:02

15:29:07

5 A. So yeah, I remain deeply interested in
6 Honduras and in U.S. policy towards Honduras and in
7 the ability of U.S. policy to do what I was trying
8 to do when I was there, which is get at the push
9 factors of migration, because I believe this is
10 sort of the untold story of the immigration debate
11 in this country. I think the solution lies there
12 and not so much at the border. So I remain deeply
13 interested, and that's why I write about it.

15:29:09

15:29:16

15:29:21

15:29:26

15:29:29

15:29:34

15:29:38

15:29:42

15:29:46

14 Q. So on the bottom of the first page of this
15 op-ed, in the paragraph that starts with "as former
16 American ambassadors" --

15:29:49

15:29:57

15:30:02

17 MR. KIRSCHNER: Ambassador Nealon, I think
18 that counsel is referring to the previous page.

15:30:05

15:30:08

19 THE WITNESS: Sorry. Thanks.

15:30:10

20 Q. It's the last paragraph on the first page.
21 It says, "As former American ambassadors with long
22 experience in Central America and with the TPS
23 program, we have to ask why does the administration
24 think this makes sense as an America first policy."

15:30:12

15:30:14

15:30:17

15:30:19

15:30:22

25 Based on what you had written before, the

15:30:25

1 "this" there seems to refer to the termination of 15:30:28
2 TPS for Honduras. Is that accurate? 15:30:32

3 A. Yes. 15:30:35

4 Q. Okay. Why did you write here that the 15:30:36
5 administration is interpreting the termination of 15:30:50
6 TPS as an America first policy? 15:30:53

7 MR. KIRSCHNER: Objection, counsel is 15:30:55
8 testifying about her interpretation of the language 15:30:56
9 in the article. I would ask Ambassador Nealon to 15:30:59
10 address this in his own words. 15:31:09

11 MS. MacLEAN: Objection noted. 15:31:11

12 A. So, I believe, and this is a personal 15:31:12
13 opinion, that the administration believes that the 15:31:16
14 cancellation of TPS is one of many, many elements 15:31:19
15 of a migration -- immigration policy which is part 15:31:24
16 of the administration's America First policy. 15:31:28

17 Q. What makes you think that? 15:31:34

18 A. I suppose years of experience. 15:31:36

19 Q. Does that include experience that you had 15:31:53
20 while you were at the Department? 15:31:55

21 A. Yes. 15:31:58

22 Q. What experience that you had at the 15:31:59
23 Department would lead you to express that the 15:32:01
24 administration sees the termination of TPS as an 15:32:08
25 America First policy? 15:32:11

1 A. I mean, to be very clear and very honest, 15:32:13
2 I think the President has been very clear, very 15:32:17
3 honest about his views on border security and 15:32:19
4 immigration. I don't think there's any 15:32:27
5 disagreement or misunderstanding about what the 15:32:32
6 President's policies are, so I -- yeah. I think 15:32:36
7 he's very clear. 15:32:40

8 Q. Are there specific things that you would 15:32:41
9 point to from the President that make clear what 15:32:45
10 his policies are with regard to immigration and 15:32:51
11 border security and how that might apply to the 15:32:55
12 context of TPS? 15:32:58

13 MR. KIRSCHNER: Objection, calls for 15:33:00
14 speculation. 15:33:02

15 A. Yeah. I really wouldn't want to speculate 15:33:02
16 about what the President thinks. I can comment on 15:33:04
17 -- as any of us can about what the President says. 15:33:08

18 Q. But from your experience and your 15:33:08
19 expertise and your involvement in these matters, 15:33:11
20 you've identified that it seems very clear what the 15:33:13
21 President's perspective is with regard to, you 15:33:17
22 know, immigration issues tied to an America First 15:33:19
23 policy. And within this op-ed, you've identified 15:33:26
24 how you see TPS fitting into that. So recognizing 15:33:33
25 you don't have direct conversations, I imagine, 15:33:39

1 with President Trump, although you haven't said one 15:33:42
2 way or the other, what makes you understand that 15:33:47
3 TPS specifically fits into the specific America 15:33:52
4 First policy of the current administration and the 15:34:00
5 President? 15:34:06

6 A. You know, honestly I don't know how 15:34:06
7 helpful I can be to you in this line of 15:34:12
8 questioning. I would just go back to my belief 15:34:15
9 that the President has been very, very clear about 15:34:17
10 his feelings about border security. He has talked 15:34:20
11 since the beginning of the campaign about building 15:34:23
12 a border wall. He's talked about interior 15:34:25
13 enforcement. We've seen a policy of family 15:34:29
14 separation. We've seen actions by the Attorney 15:34:31
15 General to limit the types of people who can ask 15:34:34
16 for asylum. We've seen the cancellation of DACA. 15:34:36
17 We've seen the cancellation of TPS. So I think all 15:34:41
18 of these things are part of an administration 15:34:44
19 immigration policy. 15:34:47

20 Q. Did you hear America First discussed in 15:34:54
21 the context of TPS while you were at DHS? 15:34:57

22 A. I don't recall hearing that, no. 15:35:02

23 Q. If you turn to the top of the second page 15:35:04
24 here, let me just review. I think you reviewed the 15:35:35
25 entire article, but just review the top two 15:35:40

1 paragraphs.

15:35:42

2 A. Okay.

15:35:56

3 Q. You say here, "The justifications for

15:35:56

4 termination are two-fold. The administration

15:36:06

5 reminds us that temporary protected status was

15:36:08

6 always meant to be temporary. It also argues that

15:36:12

7 the original conditions for which TPS was granted:

15:36:12

8 The devastating Hurricane Mitch in 1998 that killed

15:36:16

9 more than 7,000 people in Honduras alone no longer

15:36:20

10 exists." Beginning of the next paragraph, "We

15:36:23

11 understand how such arguments would make sense

15:36:25

12 under a strict constructionist view."

15:36:28

13 We spoke about this a bit earlier today.

15:36:31

14 But was it your understanding at the time that you

15:36:34

15 wrote this op-ed that the strict constructionist

15:36:37

16 view of the TPS statute essentially won out in DHS?

15:36:43

17 MR. KIRSCHNER: Objection, calls for

15:36:49

18 speculation.

15:37:00

19 A. So whether the strict constructionist view

15:37:00

20 is the ultimate reason why the secretaries made

15:37:03

21 their decisions about TPS, I don't know. But to

15:37:07

22 answer your question, I believe that a strict

15:37:10

23 interpretation of the statute was an important

15:37:17

24 element in those decisions.

15:37:20

25 Q. Do you believe that that was the only way

15:37:22

1 that TPS -- the TPS statute could have been 15:37:26
2 interpreted? 15:37:31

3 MR. KIRSCHNER: Objection, calls for a 15:37:31
4 legal conclusion and calls for speculation, and 15:37:34
5 also it's vague and confusing what you mean by that 15:37:40
6 question. 15:37:44

7 Q. If you understand the question, you can 15:37:44
8 answer it. 15:37:45

9 A. So my understanding was that successive 15:37:49
10 administrations had renewed TPS for Honduras long 15:37:54
11 after the conditions that resulted from Hurricane 15:38:04
12 Mitch had begun to dissipate or had dissipated. 15:38:08

13 Q. So is it your understanding that there was 15:38:15
14 a new interpretation of the TPS statute that didn't 15:38:17
15 allow that under this administration? 15:38:20

16 MR. KIRSCHNER: Objection, calls for 15:38:22
17 speculation. 15:38:26

18 A. So my understanding, and this is a 15:38:26
19 personal opinion, is that, again, I believe this 15:38:32
20 viewpoint was one of the elements that went into 15:38:37
21 those decisions. But, yes, I believe that -- that 15:38:39
22 there was a belief among many people in the 15:38:46
23 administration that their hands were tied and that 15:38:49
24 because the statute says that -- that TPS should be 15:38:53
25 based on the existing conditions, that there was no 15:39:00

1 choice but to terminate. 15:39:08

2 Q. You just said a moment ago that successive 15:39:09
3 administrations had renewed TPS for Honduras long 15:39:13
4 after the conditions directly related to Hurricane 15:39:17
5 Mitch had ended, but the current administration 15:39:20
6 felt that their hands were tied. What created this 15:39:22
7 distinction where the current administration -- 15:39:26
8 secretaries within the current administration would 15:39:31
9 feel their hands were tied when previous 15:39:33
10 secretaries had extended TPS for Honduras over and 15:39:36
11 over again? 15:39:39

12 MR. KIRSCHNER: Objection, 15:39:40
13 mischaracterizes testimony, calls for speculation. 15:39:40

14 A. So, I mean, personal opinion again, I 15:39:48
15 think it's simply different interpretations of the 15:39:56
16 statute. And I'm not a lawyer, so I can't speak to 15:40:01
17 the benefits of one or the other. 15:40:07

18 Q. Do you understand that these were 15:40:12
19 different interpretations, essentially the 15:40:15
20 interpretation prior to this administration and the 15:40:17
21 interpretation of the TPS statute that was used by 15:40:20
22 this administration? 15:40:25

23 MR. KIRSCHNER: Objection, 15:40:25
24 mischaracterizes testimony. Counsel keeps 15:40:26
25 restating testimony that Ambassador Nealon never 15:40:28

1 said.

15:40:32

2 MS. MacLEAN: Objection noted.

15:40:33

3 Q. I'm asking the question do you feel this
4 was a different interpretation?

15:40:35

15:40:37

5 MS. MacLEAN: But objection noted.

15:40:39

6 Q. So do you feel this was a different
7 interpretation from previous secretaries to
8 secretaries under this administration?

15:40:41

15:40:44

15:40:46

9 MR. KIRSCHNER: Objection, foundation for
10 what you mean by "this interpretation." Calls for
11 speculation.

15:40:48

15:40:49

15:40:53

12 Q. Ambassador Nealon, I'll ask one more time,
13 hopefully we can ask this clearly. But was it your
14 understanding that the interpretation of the TPS
15 statute that was used by prior administrations that
16 allowed for consideration of factors beyond the
17 originating condition in the case of Honduras,
18 Hurricane Mitch, was different from the
19 interpretation of the TPS statute that was used by
20 the secretaries under the current administration?

15:40:53

15:40:56

15:41:01

15:41:04

15:41:08

15:41:13

15:41:17

15:41:22

15:41:25

21 MR. KIRSCHNER: Same objection, foundation
22 and speculative.

15:41:29

15:41:30

23 A. Yes. And I think it's important to note
24 that I believe both points of view are legitimate.
25 Both in my view are -- are rational interpretations

15:41:32

15:41:37

15:41:43

1 of the statute. So I think that there was a change 15:41:51
2 in policy, but I don't think it was necessarily 15:41:54
3 irrational change in policy. It's a defensible 15:42:00
4 change in policy. 15:42:06

5 Q. Do you recall conversations within DHS 15:42:06
6 that recognized that this was a change in policy? 15:42:12

7 MR. KIRSCHNER: Objection. Ambassador 15:42:18
8 Nealon, to the extent this question calls for 15:42:20
9 internal government deliberations, I'll instruct 15:42:23
10 you not to answer. To the extent this question 15:42:26
11 just calls for whether you are understanding 15:42:28
12 conversations to have taken place without revealing 15:42:31
13 those deliberations, you can answer. 15:42:33

14 THE WITNESS: Thank you. 15:42:39

15 A. Would you restate the question? 15:42:41

16 Q. Yes. Do you recall conversations during 15:42:43
17 your time at DHS that recognized that there was a 15:42:47
18 change in policy related to the interpretation of 15:42:52
19 the TPS statute? 15:42:56

20 A. Yes. 15:42:58

21 Q. Can you recall one of those conversations, 15:42:59
22 when it took place and with whom? 15:43:05

23 A. No. I don't recall. Again, this is very 15:43:08
24 difficult for me to recall specific conversations 15:43:12
25 and who said what and -- but I certainly do 15:43:14

JAMES D. NEALON - 08/14/2018

Page 222

1 remember, yes, conversations related to that issue.

15:43:18

2 Q. Do you recall Secretary -- then Secretary
3 General Kelly being involved in some of those
4 conversations?

15:43:22

15:43:33

15:43:36

5 A. I don't.

15:43:39

6 Q. Do you recall Acting Secretary Duke being
7 involved in those conversations?

15:43:39

15:43:43

8 A. I do.

15:43:45

9 Q. Do you recall Secretary Nielsen being
10 involved in those conversations?

15:43:46

15:43:49

11 A. I don't.

15:43:50

12 Q. Do you recall whether the White House or
13 any entity that was a component of the White House
14 or connected to -- not connected to --

15:43:56

15:44:00

15:44:03

15 MS. MacLEAN: Sorry. Go back.

15:44:08

16 Q. Do you recall whether the White House or
17 personnel within the White House were engaged
18 directly or indirectly with regard to the
19 interpretation of the TPS statute?

15:44:10

15:44:13

15:44:16

15:44:18

20 A. So I don't recall anyone from the White
21 House speaking to me directly about that. But I do
22 recall hearing that -- that people from the White
23 House were engaged with other people in DHS on that
24 subject.

15:44:26

15:44:28

15:44:31

15:44:37

15:44:43

25 Q. Do you recall who from the White House was

15:44:43

1 engaged on that subject, understanding that you 15:44:46
2 were not directly involved in those conversations? 15:44:47

3 MR. KIRSCHNER: I just want to make sure 15:44:49
4 my objection on deliberate process is clear. I'm 15:44:51
5 instructing you not to answer about the nature one 15:44:54
6 way or the other about whether there is a change in 15:44:57
7 interpretation or should be or should not be 15:44:59
8 interpretation, but that just that there were 15:45:02
9 conversations on this topic that you can answer. 15:45:04
10 Like -- I'm allowing to go forward questions of 15:45:09
11 whether the question of interpretation -- 15:45:13

12 THE WITNESS: Okay. 15:45:16

13 MR. KIRSCHNER: -- the conversation about 15:45:17
14 interpretation took place along the lines of what 15:45:19
15 counsel's asking, but the nature one way or the 15:45:22
16 other, whether there should be or should not be or 15:45:24
17 whether there was an interpretation, I just want to 15:45:27
18 make clear for the record that to the extent that 15:45:28
19 the questions are calling for that question, that 15:45:30
20 that would be internal deliberations. 15:45:32

21 THE WITNESS: Okay. Thank you. 15:45:35

22 A. So let me try to be as clear as I can, 15:45:37
23 because my memory just is imperfect about this. So 15:45:40
24 certainly, as I've already stated, there were 15:45:45
25 people from the White House talking to people at 15:45:48

1 DHS about TPS and about the termination of TPS. I 15:45:52
2 want to be very careful about -- about stating 15:45:57
3 unequivocally that those conversations spoke 15:46:03
4 directly about the -- a new interpretation of the 15:46:07
5 statute, because I'm trying to think if I -- if I 15:46:12
6 heard that specifically or not. 15:46:16

7 So I'm just going to be very careful here. 15:46:20
8 And I don't remember specifically being told that. 15:46:25

9 Q. Okay. And you've mentioned in the course 15:46:27
10 of the deposition a few different ways in which the 15:46:34
11 White House had been involved in communications 15:46:39
12 around TPS. I just want to be very clear, you said 15:46:41
13 that there are people in the White House who were 15:46:47
14 involved in conversations around the termination of 15:46:51
15 TPS. Who are the people that you know of directly 15:46:53
16 or indirectly from the White House who were 15:46:57
17 involved in those conversations? 15:46:59

18 A. So the name that always came up is Stephen 15:47:03
19 Miller. 15:47:08

20 Q. And who was Stephen Miller communicating 15:47:08
21 with? 15:47:13

22 A. So, again, this is -- these are things 15:47:13
23 that were told to me. I don't have any direct 15:47:17
24 knowledge of these conversations. But he was 15:47:21
25 certainly speaking to the DHS Chief of Staff and he 15:47:25

1 was certainly speaking to Mr. Hamilton, and he may 15:47:32
2 have been speaking to others. 15:47:37

3 Q. How do you know that he was speaking to 15:47:39
4 the DHS Chief of Staff? First of all, which DHS 15:47:41
5 Chief of Staff are you referencing here? 15:47:46

6 A. Chad Wolf. 15:47:48

7 Q. And how do you know that he was speaking 15:47:49
8 to Chad Wolf? 15:47:52

9 A. Chad Wolf told me. 15:47:53

10 Q. Did he speak to Mr. Wolf more than once 15:47:55
11 about TPS? 15:47:58

12 MR. KIRSCHNER: Objection, foundation. 15:47:59

13 A. So I believe Mr. Wolf told me that he had 15:48:08
14 had numerous conversations with Stephen Miller 15:48:10
15 about TPS. 15:48:13

16 Q. Do you recall when those conversations 15:48:14
17 took place? 15:48:17

18 A. I don't. 15:48:18

19 Q. And how do you know that Mr. Miller was 15:48:20
20 having communications with Mr. Hamilton about TPS? 15:48:24

21 A. Again, I don't have direct knowledge of 15:48:28
22 these conversations, but reference would 15:48:30
23 occasionally be made to them in meetings. 15:48:34

24 Q. Did Mr. Wolfe elaborate to you the content 15:48:38
25 of the conversations he had with Mr. Miller 15:48:54

1 concerning TPS?

15:48:57

2 MR. KIRSCHNER: So on this one, the way
3 the question was asked, you can answer yes or no,
4 but to the extent the question is about what the
5 content is, I would instruct you not to answer.

15:48:58

15:49:01

15:49:03

15:49:06

6 THE WITNESS: Thank you. Sorry. Restate.

15:49:09

7 Q. Did Mr. Wolf relate to you the content of
8 his communications with Mr. Miller related to TPS
9 generally or specifically?

15:49:12

15:49:18

15:49:25

10 A. Only in the most general terms, not any
11 specific detail.

15:49:26

15:49:30

12 Q. And were you aware generally or
13 specifically the content of the communications
14 between Mr. Miller and Mr. Hamilton concerning TPS?

15:49:30

15:49:33

15:49:35

15 A. No.

15:49:39

16 Q. Okay. And did you know the timing -- did
17 you know how often or how many times Mr. Miller
18 communicated with Mr. Hamilton related to TPS?

15:49:39

15:49:45

15:49:48

19 A. No.

15:49:51

20 Q. And do you know the timing of when
21 Mr. Miller communicated with Mr. Hamilton related
22 to TPS?

15:49:51

15:49:55

15:49:59

23 A. No.

15:50:00

24 Q. Do you know whether there was anything in
25 writing from Mr. Miller related to the -- related

15:50:00

15:50:02

1 to TPS?

15:50:06

2 A. No.

15:50:07

3 Q. And just to be very clear, this includes,
4 you know, more than just a memo, but e-mails, any
5 written communications, notes of any sort?

15:50:07

15:50:11

15:50:15

6 A. No, I don't know.

15:50:17

7 Q. Okay. What was your intention in writing
8 the op-ed here?

15:50:19

15:50:30

9 A. I disagreed with the decision and I
10 thought it was important to get another set of

15:50:34

15:50:44

11 arguments out there, especially the argument

15:50:49

12 related to the fairness issue of sending people

15:50:53

13 back who had been living in the United States

15:51:01

14 legally for 20 years, paying taxes, et cetera, et

15:51:04

15 cetera.

15:51:08

16 And I should add, because it was important

15:51:16

17 to me, I also thought it was important, as I argued

15:51:18

18 in my memo, that people understand that by sending

15:51:23

19 people back to Central America, sending large

15:51:29

20 numbers of repatriated people back to Central

15:51:32

21 America, we would actually be working against

15:51:36

22 ourselves, working against our own efforts to get

15:51:38

23 at the push factors of migration that drive people

15:51:41

24 to the United States.

15:51:44

25 So I considered it not in the American

15:51:44

1 interest to send those people back.

15:51:47

2 MS. MacLEAN: Can we take just two minutes
3 so that I can just try to figure out what we have
4 left and try to cover it and let you get home
5 hopefully in time for dinner.

15:52:06

15:52:08

15:52:11

15:52:13

6 THE VIDEOGRAPHER: Time is 3:52. We are
7 off the record.

15:52:15

15:52:18

8 (Proceedings interrupted at 3:52 p.m. and
9 reconvened at 4:07 p.m.)

15:52:19

15:52:20

10 THE VIDEOGRAPHER: Time is 4:07. We're
11 back on the record.

16:07:06

16:07:16

12 BY MS. MacLEAN:

16:07:17

13 Q. So Ambassador Nealon, just one additional
14 question about the conversation that we had
15 previously. Are you aware of any documents that
16 exist within the Department of Homeland Security
17 concerning the interpretation of the TPS statute?

16:07:18

16:07:20

16:07:21

16:07:25

16:07:28

18 A. No.

16:07:31

19 Q. Okay. And now we just have a -- a few
20 documents related to various meetings that related
21 to TPS, and to the extent that you know, I would
22 like your -- your input on those. We can try to
23 run through them relatively quickly.

16:07:31

16:07:37

16:07:40

16:07:43

16:07:48

24 (Exhibit 42, DHS_RFPD_00000953 - 954,
25 marked for identification.)

16:07:55

16:07:56

JAMES D. NEALON - 08/14/2018

Page 229

1 Q. So this will be marked as Exhibit 42.

16:07:57

2 A. Thank you.

16:08:02

3 MS. MacLEAN: And we recognize that this,
4 I believe, is governed by the protective order
5 under discussion, and we will redact the e-mail
6 addresses of the people who are listed here prior
7 to any further dissemination of the exhibit.

16:08:08

16:08:11

16:08:15

16:08:20

16:08:25

8 MR. KIRSCHNER: To the extent there are
9 any phone numbers, we would ask for you to do the
10 same, which I believe there is on page 2.

16:08:30

16:08:31

16:08:34

11 Q. So Ambassador Nealon, this appears to be a
12 meeting that took place just before you arrived at
13 DHS, a couple of months before you arrived at DHS.

16:08:44

16:08:49

16:08:56

14 Is this a -- a meeting that you have any
15 familiarity with?

16:08:59

16:09:01

16 A. No.

16:09:02

17 Q. Can you identify who the people are who
18 are included in that TPS briefing in the e-mail
19 chain?

16:09:03

16:09:11

16:09:16

20 MR. KIRSCHNER: Just a matter of
21 clarification, can Counsel kind of point Ambassador
22 Nealon to where you're referring to? Are you
23 referring to the "to" line or the attendees --

16:09:17

16:09:19

16:09:24

16:09:27

24 MS. MacLean: Actually, that's helpful.

16:09:30

25 Q. Actually, I'm going to skip the question

16:09:31

1 that I asked and go to the attendees of the 16:09:33
2 meeting, which is in the notes block in the -- in 16:09:36
3 the actual e-mail. I think you had previously 16:09:39
4 identified some of these people. 16:09:43

5 Can you identify who Ms. Neumann is? 16:09:49

6 A. Yes, she was the Deputy Chief of Staff. 16:09:50

7 Now, I have to caveat this, this is, as 16:09:54
8 you say, two months before I came on board at DHS, 16:10:03
9 so I know almost all these people. I'm not certain 16:10:06
10 they had the same positions before I got there that 16:10:10
11 they had when I got there. But when I got there, 16:10:12
12 Elizabeth Neumann was the Deputy Chief of Staff. 16:10:14

13 Q. And Mr. Rezmovic, R-e-z-m-o-v-i-c? 16:10:18

14 A. I believe Mr. Rezmovic was a -- either a 16:10:20
15 counsellor to the Secretary or to the Deputy 16:10:26
16 Secretary, I don't recall. 16:10:29

17 Q. Do you know what Mr. Rezmovic's role was 16:10:31
18 with regard to TPS? 16:10:35

19 A. I don't. 16:10:36

20 Q. Mr. Cassidy? 16:10:41

21 A. Mr. Cassidy was the head of the Office of 16:10:42
22 Legislative Affairs. 16:10:46

23 Q. And what was the role of the Office of 16:10:46
24 Legislative Affairs in -- in connection with TPS 16:10:52
25 determinations? 16:10:55

1 A. The Office of Legislative Affairs, their 16:11:00
2 role was to maintain contact with members of 16:11:03
3 Congress and staffers about decisions related to 16:11:06
4 TPS. 16:11:09

5 Q. During your time at DHS, was Ben Cassidy 16:11:09
6 the person who primarily performed this function? 16:11:12

7 A. Yes. 16:11:16

8 Q. Is that in connection with TPS or more 16:11:16
9 broadly? 16:11:20

10 A. He was the head of the office. He was the 16:11:20
11 head of the Office of Legislative Affairs. 16:11:25

12 Q. I think we covered everyone else on that 16:11:28
13 list. We can move on from that document. 16:11:31

14 MS. MacLEAN: So mark this as Exhibit 43, 16:11:57
15 which is a document that is marked "Temporary 16:12:02
16 Protected Status Briefing, May 19th, 2017," 16:12:08
17 apparently related to the same meeting. 16:12:10

18 (Exhibit 43, DHS-RFPD-00000986, marked for 16:12:13
19 identification.) 16:12:14

20 Q. I'm not going to ask you to review the 16:12:14
21 entirety of the document, particularly since you 16:12:17
22 were not at the meeting or at DHS at the time. But 16:12:18
23 if you could turn to the second page, there's a 16:12:21
24 list of participants at the meeting. 16:12:25

25 The only person that you had not 16:12:29

1 identified in the previous list who is currently on 16:12:31
2 this list is Arex Avanni. I don't know if that's 16:12:34
3 Mr. Avanni or Ms. Avanni. 16:12:38

4 A. Mr. 16:12:38

5 Q. Mr. Avanni. 16:12:38

6 Are you aware -- I think you had 16:12:41
7 previously identified that Mr. Avanni was a 16:12:42
8 counsellor to the Deputy Secretary? 16:12:44

9 A. That's correct. 16:12:46

10 Q. And do you know what Mr. Avanni's role was 16:12:46
11 with regard to TPS? 16:12:50

12 A. I don't, no. 16:12:52

13 MR. KIRSCHNER: Counsel, I again would ask 16:13:04
14 if you're introducing this exhibit, to redact the 16:13:06
15 phone numbers on page 2. 16:13:09

16 MS. MacLEAN: Yes. Thank you. 16:13:11

17 We're also able to do that prior to it 16:13:27
18 being introduced as part of the transcript, if 16:13:30
19 that's possible. We'll coordinate with the court 16:13:32
20 reporter about that afterwards. 16:13:34

21 Q. Sorry, the last -- before we move on from 16:13:36
22 that exhibit, the last two people I want to mention 16:13:38
23 are listed in the Staff Responsible for Briefing 16:13:40
24 memo, which is the second to last section in bold. 16:13:42

25 There are two people listed, Brandon 16:13:48

1 Prelogar and Katherine Anderson. Did you know 16:13:51
2 Mr. Prelogar and Ms. Anderson during your time at 16:13:57
3 DHS? 16:14:01

4 A. I didn't. 16:14:01

5 MS. MacLEAN: Move on from that. 16:14:04

6 (Exhibit 44, USCIS_RFPD_00000055 - 58, 16:14:25
7 marked for identification.) 16:14:26

8 Q. So Exhibit 44 is an e-mail exchange 16:14:32
9 concerning an immigration update briefing. I'll 16:14:40
10 let you skim through that. 16:14:46

11 So this was an e-mail exchange that 16:15:13
12 occurred after you arrived at the Department of 16:15:18
13 Homeland Security. The subject matter of the 16:15:22
14 e-mail, the first e-mail that is listed on the page 16:15:27
15 is "AS1BB 08.04.17 Immigration Update Briefing." 16:15:32

16 Do you know what AS1BB means? 16:15:40

17 A. AS1 refers to the Acting Secretary. I 16:15:45
18 don't know what BB means. 16:15:49

19 Q. Okay. And do you know who -- who Carl 16:15:50
20 Risch, R-i-s-c-h, is who is in the cc of the 16:15:55
21 e-mail? 16:16:00

22 A. Yes. Carl eventually became the Assistant 16:16:07
23 Secretary of State for Consular Affairs. Whether 16:16:12
24 he -- I assume he was at that time and that's why 16:16:14
25 he's being copied, but I don't know that for sure. 16:16:16

1 I knew him as the Assistant Secretary of 16:16:19
2 State for Consular Affairs, but I'm not certain 16:16:22
3 that he was in that job by August 3rd. 16:16:26

4 Q. Okay. And the two attachments that are 16:16:28
5 identified here are "ASBB Immigration Update 16:16:30
6 Briefing" and "TPS.RADOPS." Does TPS.RADOPS mean 16:16:30
7 anything to you? 16:16:40

8 A. I'm sorry. Where do you see that? 16:16:40

9 Q. It's one of the attachments that is 16:16:42
10 identified above the first line. 16:16:44

11 A. Oh. That doesn't mean anything to me. 16:16:52

12 Q. Okay. Do you know off the top of your 16:16:54
13 head, you know, without having a thorough review of 16:16:59
14 this e-mail exchange, what this immigration update 16:17:02
15 briefing was regarding? 16:17:05

16 A. I don't. I haven't read through the 16:17:06
17 entire chain. 16:17:11

18 Q. So I may ask you a couple more questions 16:17:14
19 about this -- 16:17:17

20 A. Sure. 16:17:17

21 Q. -- because it appears from the e-mail 16:17:18
22 chain that your office had significant involvement 16:17:20
23 in this. So why don't you take a -- take a couple 16:17:22
24 of minutes to review that. 16:17:26

25 A. Okay. 16:17:28

1 Okay.

16:18:26

2 Q. Do you know what this is referring to,

16:18:26

3 having reviewed it more closely?

16:18:28

4 A. It appears to be -- it's a USCIS internal
5 document, getting USCIS prepared for a briefing for
6 the Acting Secretary on it looks like current state
7 of play, upcoming decision points on TPS.

16:18:30

16:18:37

16:18:43

16:18:49

8 So looks like a briefing for the Acting
9 Secretary on where -- where the Department stands
10 on TPS.

16:18:52

16:18:57

16:18:59

11 Q. Would DHS policy -- would the DHS Office
12 of Policy have been responsible for organizing that
13 meeting?

16:19:00

16:19:05

16:19:07

14 A. So --

16:19:11

15 MR. KIRSCHNER: Objection to the extent
16 this is calling for speculation.

16:19:11

16:19:12

17 A. So in reading through this, it looks like
18 the Office of Policy was responsible for
19 coordinating the meeting.

16:19:15

16:19:20

16:19:25

20 Q. Do you recall being present at that
21 meeting?

16:19:26

16:19:28

22 A. No.

16:19:28

23 MR. KIRSCHNER: Object to form.

16:19:29

24 Q. That's fine.

16:19:29

25 (Exhibit 45, E-mail from Briana Petyo to

16:20:02

1 Kelbi Culwell, 10/10/17, marked for identification.) 16:20:11

2 Q. We've just entered Exhibit 45, which is 16:20:11
3 another e-mail chain which appears to be about the 16:20:18
4 same meeting. 16:20:22

5 MR. KIRSCHNER: Objection, counsel is 16:20:22
6 testifying. 16:20:24

7 MS. MacLEAN: And incorrectly, I think. I 16:20:27
8 think this is actually a different date of the 16:20:30
9 meeting. The previous meeting took place as 16:20:33
10 identified here or was -- there's an immigration 16:20:35
11 update briefing in the previous exhibit, 44, 16:20:38
12 August 4th, 2017, and in Exhibit 45, we have a 16:20:42
13 reference to AS1BB TPS meeting on October 10th, 16:20:49
14 2017. 16:20:56

15 A. Okay. 16:21:20

16 Q. Do you know what this chain is referring 16:21:21
17 to? 16:21:23

18 A. This looks like a chain very similar to 16:21:23
19 the previous one in which preparations are being 16:21:27
20 made to brief the Acting Secretary on state of play 16:21:32
21 regarding TPS. 16:21:36

22 Q. Can you let me know who the people are who 16:21:39
23 we have not discussed who are in the "to" column on 16:21:43
24 the first page of this exhibit? We obviously know 16:21:46
25 who Ms. Petyo is. 16:21:49

1 Kelbi Culwell, to the extent that you
2 know?

3 A. I don't know. But by reading through
4 this, this looks like interplay between the
5 Executive Secretariat, who are responsible for the
6 Secretary's paper, and I see my Chief of Staff on
7 here, Ms. Petyo. So it looks like back and forth
8 among people talking about the materials needed for
9 the -- for the meeting.

10 Q. Okay. So if we go to the second page of
11 this document, the middle e-mail is from Juliana
12 Blackwell. Who is Juliana Blackwell?

13 A. I believe Joanna Blackwell (sic) worked in
14 the office of the Executive Secretary, which is the
15 office that handles the Secretary's paper -- the
16 Department's paper.

17 Q. From your review of this e-mail chain,
18 would you identify that the DHS Office of Policy
19 was also coordinating this meeting?

20 MR. KIRSCHNER: Objection, calls for
21 speculation.

22 A. You know, I'd have to read through it to
23 see if I could determine who was the responsible
24 officer --

25 Q. Don't worry about it. It's not a critical

1 question.

16:23:23

2 In the e-mail on that second page from
3 Ms. Blackwell, she says, "Looping in USCIS,
4 additional guidance from the COS," what would COS
5 refer to there?

16:23:23

16:23:27

16:23:31

16:23:33

6 A. That would be the Chief of Staff, the
7 Secretary's Chief of Staff.

16:23:34

16:23:38

8 Q. And she says, "The decision" -- "The
9 discussion needs to be on each individual country
10 under consideration, specifically need a deep dive
11 into the conditions of that respective country to
12 determine if they meet" -- "if they continue to
13 meet the statutory categories for TPS."

16:23:39

16:23:40

16:23:43

16:23:46

16:23:49

16:23:50

14 This follows on an e-mail from
15 Ms. Blackwell, where she says -- but she has --
16 well, "And the briefing memo is okay in terms of
17 serving as an introduction, but she has decisions
18 to make in the next three weeks about Honduras and
19 Nicaragua. This briefing session needs to focus on
20 those decisions and it's my understanding that
21 USCIS would like for El Salvador to be considered
22 also even though that decision doesn't need to be
23 made for a couple of months."

16:23:53

16:23:55

16:24:01

16:24:04

16:24:08

16:24:09

16:24:12

16:24:16

16:24:16

16:24:20

24 Do you recall communication recognizing
25 the need to include El Salvador in this series of

16:24:28

16:24:32

1 decisions?

16:24:35

2 MR. KIRSCHNER: Objection,

16:24:35

3 mischaracterizes the e-mail. The e-mail goes on

16:24:36

4 and discusses other matters as well, talks about

16:24:38

5 Haiti. I just would ask for -- objection,

16:24:41

6 mischaracterizes the e-mail.

16:24:51

7 A. Yeah, so again, this -- this is a back and

16:24:52

8 forth among people who are trying to make sure that

16:24:56

9 the paperwork gets put together for the meeting.

16:25:02

10 And then there's a reference to, as you described,

16:25:07

11 you know, have to consider each country

16:25:13

12 individually and do a deep dive, so that's

16:25:17

13 apparently sharing guidance they got from the Chief

16:25:20

14 of Staff.

16:25:23

15 So this is the kind of churn that takes

16:25:24

16 place before every meeting that the Secretary has

16:25:29

17 to ensure that the meeting is productive, to ensure

16:25:33

18 that the right people are at the meeting, to ensure

16:25:37

19 there's an agenda, to ensure that the right

16:25:39

20 paperwork has been provided.

16:25:42

21 So it's -- it's usually not a level of

16:25:44

22 detail that I would have gotten involved in unless

16:25:46

23 -- unless I had to, unless I was trying to shape

16:25:49

24 the meeting in a certain way or something like

16:25:51

25 that.

16:25:54

1 Q. Very fortunate.

16:25:56

2 MS. MacLEAN: I think we can do this one

16:26:53

3 quickly, too. This is Exhibit 46.

16:26:56

4 (Exhibit 46, DHS-001-000515 - 521, marked
5 for identification.)

16:26:58

16:26:58

6 Q. So what is marked as Exhibit 46 is -- says

16:26:58

7 in this chain, "PLCY led" -- "PLCY led," which

16:27:13

8 based on previous conversations I assume to mean is

16:27:13

9 the DHS Office of Policy led meeting; is that

16:27:16

10 correct?

16:27:16

11 A. Correct.

16:27:16

12 Q. "AS1BB 11.13.17 TPS Strategy Meeting,"

16:27:17

13 you again see AS1BB, we're not sure what BB means,

16:27:17

14 but it appears to be one month following the

16:27:17

15 previous meeting.

16:27:17

16 Do you recall being at this meeting, off

16:27:33

17 the top of your head? Probably a difficult

16:27:36

18 question.

16:27:37

19 A. So let me read through this very quickly,

16:27:38

20 if you don't mind.

16:27:43

21 So it's hard for me to recall that I was

16:28:05

22 at a specific meeting. I see my name on the list

16:28:08

23 of proposed attendees, so it's likely that if I was

16:28:11

24 in the country, that I was there. But, you know, I

16:28:16

25 don't recall this specific meeting.

16:28:18

1 Q. And if we go to the list of attendees, 16:28:19
2 which is on page 3 of 7, the only -- well, there's 16:28:24
3 -- the only person who is not an OGC, Office of 16:28:34
4 General Counsel participant who we did not discuss 16:28:42
5 who's -- from previous communications is Tom Homan. 16:28:44

6 Who is Mr. Homan? 16:28:46

7 A. Mr. Homan was the Acting Director of ICE. 16:28:48

8 Q. And was ICE present more than at this 16:28:52
9 meeting in meetings related to TPS? 16:28:57

10 A. My recollection is that they were often 16:29:00
11 present, but not always present. 16:29:03

12 Q. And what was the role of ICE in 16:29:05
13 conversations related to TPS? 16:29:09

14 MR. KIRSCHNER: Objection, vague. 16:29:13

15 A. So my assumption is that ICE would be 16:29:17
16 invited to meetings about TPS because among many 16:29:25
17 other things, ICE is responsible for interior 16:29:30
18 enforcement in the United States. 16:29:34

19 So if -- if TPS beneficiaries lost that 16:29:36
20 benefit and were subject to deportation, ICE would 16:29:47
21 play the lead role in -- in executing deportations. 16:29:52
22 So they had obviously a big stake in TPS. 16:29:57

23 Q. Did ICE, either Mr. Homan or another -- or 16:30:03
24 a surrogate or another representative of ICE 16:30:12
25 express any position with regard to whether TPS 16:30:15

1 should be extended or terminated in any of the 16:30:19
2 meetings that you were present at? 16:30:21

3 MR. KIRSCHNER: I just want to make clear, 16:30:23
4 I'm going to instruct you that you can answer the 16:30:25
5 question as asked, but if there are follow-up 16:30:28
6 questions about the content, depending on how it 16:30:31
7 was asked, I may instruct you not to answer. 16:30:35

8 THE WITNESS: Okay. 16:30:38

9 MR. KIRSCHNER: But I understand the 16:30:39
10 question is just whether ICE expressed a view, not 16:30:40
11 the content. 16:30:46

12 A. At least at some of the meetings at which 16:30:47
13 I was present, ICE did express a view. 16:30:49

14 Q. Without intruding on the deliberative 16:30:53
15 process privilege at this stage while this question 16:31:07
16 is still under review by the court, was there a 16:31:09
17 basis for ICE's view, not the content of it, but 16:31:15
18 was it, to the extent that you can answer, based on 16:31:19
19 particular equities or interests that ICE was 16:31:24
20 representing in these meetings? 16:31:28

21 MR. KIRSCHNER: Again, I would instruct 16:31:30
22 you not to answer to the extent it reveals internal 16:31:32
23 deliberations. To the extent you could provide a 16:31:38
24 general answer about ICE's equities, and without 16:31:41
25 revealing internal deliberations, then that is 16:31:44

1 fine, but to the extent it is revealing internal 16:31:44
2 deliberations, I would instruct you not to answer. 16:31:47

3 A. So as I said previously, one of ICE's main 16:31:49
4 duties is what we call interior enforcement, that 16:31:57
5 is, repatriating people who are in the United 16:32:03
6 States with no legal status back to their countries 16:32:09
7 of origin. 16:32:12

8 So if -- if TPS were going to be 16:32:22
9 terminated for countries that had significant TPS 16:32:24
10 populations in the United States, this would have a 16:32:27
11 big impact, a big workforce and mission impact on 16:32:30
12 ICE. So they had significant equities related to 16:32:35
13 the extension or termination of TPS. 16:32:38

14 Q. Thank you. 16:32:48

15 (Exhibit 47, E-mail dated July 14, 2017 16:32:50
16 from James McCament to Tracy Renaud, marked for 16:32:53
17 identification.) 16:32:53

18 Q. So I'm marking another e-mail as 16:32:58
19 Exhibit 47. It might be easier if you want to 16:33:00
20 review this e-mail to start -- sorry -- I am 16:33:22
21 wrong -- the earliest e-mail is the first one in 16:33:26
22 the chain. 16:33:29

23 A. Okay. 16:33:30

24 MR. KIRSCHNER: I just want to say that 16:33:31
25 that's -- that is counsel's interpretation. There 16:33:37

JAMES D. NEALON - 08/14/2018

Page 244

1 are some times when dates on e-mails might have 16:33:41
2 different time zones, so I'm not -- without having 16:33:43
3 the opportunity to read the e-mail in detail to 16:33:47
4 know for sure which e-mail is first. I'm sure by 16:33:50
5 context one can figure it out. I just have seen 16:33:53
6 documents within the government before where the 16:33:58
7 timestamps are different based on time zones or 16:34:00
8 based on -- 16:34:03

9 MS. MacLEAN: Fair enough. 16:34:04

10 A. So I believe the second e-mail is the 16:34:45
11 first e-mail. 16:34:47

12 Q. You're right, actually, because it is a 16:34:50
13 reply. It says "re VTEL with S1." 16:34:53

14 So this e-mail concerns more, obviously, 16:35:08
15 than just TPS. But the subject matter of the first 16:35:12
16 e-mail, which is the second in the chain is "VTEL 16:35:17
17 with S1." Is it fair to state that that is a 16:35:20
18 report back of a telephone call with the Secretary? 16:35:26

19 MR. KIRSCHNER: Objection, calls for 16:35:30
20 speculation. 16:35:37

21 A. Yeah. I don't know the term "VTEL," I 16:35:37
22 don't know if it's a phone call or video 16:35:41
23 conference. I don't know what that term means. 16:35:45

24 Q. And July 14, 2017, I understand that you 16:35:46
25 have just arrived at the Department at that time; 16:35:50

1 is that correct?

16:35:53

2 A. So I may have actually still been in the
3 little orientation program. But I arrived in the
4 building to work right about that time.

16:35:53

16:35:56

16:35:59

5 Q. Okay. And the Secretary at that time was
6 General Kelly?

16:36:02

16:36:06

7 A. Yes.

16:36:07

8 Q. So if we go down to, I think, the
9 beginning of the conversation around TPS, the
10 e-mail states, "After finishing the rounds, he said
11 two things that do pertain to us: one, TPS Haiti."

16:36:07

16:36:15

16:36:20

16:36:23

12 Do you see where I'm pointing to?

16:36:28

13 A. Are you after number one?

16:36:30

14 Q. Number one, yes.

16:36:33

15 A. Okay.

16:36:34

16 Q. "He reiterated his prior ask of the
17 Haitian government to work with those who have TPS
18 to prepare them for travel in order to return to
19 Haiti, and he wants to know if they are doing
20 that."

16:36:35

16:36:37

16:36:40

16:36:43

16:36:46

21 What do you think that is referring to?

16:36:46

22 MR. KIRSCHNER: Objection, speculation.

16:36:51

23 A. So General Kelly was -- had had direct
24 conversations with the Haitians about TPS in which
25 he had told them that they needed to begin to

16:36:53

16:37:08

16:37:15

1 prepare to take their citizens back. And so they 16:37:19
2 needed to begin to prepare to issue travel 16:37:25
3 documents to them, and they needed to begin to 16:37:29
4 prepare how they were going to receive their 16:37:34
5 repatriated citizens when they arrived back in 16:37:37
6 Haiti. So he is asking here for an update on how 16:37:41
7 they are doing on that. 16:37:45

8 Q. Was it your understanding, then, that 16:37:47
9 there had been a decision already made to terminate 16:37:50
10 TPS after this brief six-month extension? 16:37:54

11 A. So that six-month extension predated my 16:37:58
12 arrival at DHS, but I had the feeling from my 16:38:07
13 conversations with Kelly that he was probably going 16:38:15
14 to terminate. 16:38:22

15 Q. And from what you had recounted about the 16:38:25
16 communications between General Kelly and the 16:38:34
17 Haitian government, it sounds as if, and correct me 16:38:39
18 if I'm wrong, that that feeling or sense or 16:38:44
19 expectation was also communicated to the Haitian 16:38:50
20 government that TPS was likely to be terminated? 16:38:54

21 A. So, again, that predated my arrival at 16:38:57
22 DHS, so I don't know what that communication was, 16:39:04
23 precisely. 16:39:06

24 Q. Okay. So later on in that same paragraph, 16:39:11
25 it states, "We got the data from, redacted, but 16:39:17

1 that seems to be the entire universe since TPS 16:39:21
2 began, not tied to specific time frames." 16:39:25

3 Do you know if there was particular data 16:39:28
4 around the time that you joined the Department that 16:39:30
5 Secretary Kelly was looking for with regard to TPS? 16:39:34

6 MR. KIRSCHNER: Objection, foundation. 16:39:37

7 A. I'm sorry. Could you restate your 16:39:49
8 question? 16:39:51

9 Q. Yes. There's a sentence within that same 16:39:51
10 paragraph that reads, "We got the data from, 16:39:53
11 redacted, but that seems to be the entire universe 16:39:55
12 since TPS began, not tied to specific time frames." 16:39:58

13 Do you see that? 16:40:02

14 A. I do. 16:40:03

15 Q. Do you know if there was specific data 16:40:03
16 that Secretary General Kelly was seeking with 16:40:06
17 regard to TPS at the time that you joined the 16:40:09
18 Department? 16:40:13

19 A. Yes. He was interested in knowing if 16:40:13
20 large numbers of Haitians were pursuing other 16:40:22
21 avenues to be able to stay in the United States, if 16:40:25
22 they were pursuing other ways to regularize their 16:40:28
23 status so that they could stay. 16:40:31

24 Q. Do you know why he was interested in that 16:40:39
25 information? 16:40:41

1 A. My impression from my conversations with 16:40:43
2 General Kelly is that he was extremely sympathetic 16:40:46
3 to the Haitians who were living in the United 16:40:49
4 States. He was a lot less sympathetic to the 16:40:53
5 Haitian government which he considered to be, I 16:40:57
6 don't want to put words in his mouth, but which I 16:40:59
7 believe he considered to be out of touch with their 16:41:02
8 people. And so he was interested in knowing if 16:41:04
9 large numbers of Haitians were going to be able to 16:41:10
10 stay on in the United States by adjusting their 16:41:13
11 status in some other way. 16:41:15

12 Q. Okay. Then the next line states, "S1" -- 16:41:17
13 referring to then Secretary Kelly -- "stated firmly 16:41:23
14 that the only people in the WH" -- is it fair to 16:41:26
15 assume that that means White House? 16:41:31

16 A. Yes. 16:41:33

17 Q. -- "who can direct us to do anything are 16:41:33
18 POTUS" -- is it fair to assume that's the president 16:41:36
19 of the United States? 16:41:39

20 A. Yes. 16:41:39

21 Q. -- "and VP" -- is it fair to assume that 16:41:40
22 that's vice president? 16:41:42

23 A. Yes. 16:41:44

24 Q. -- "while he has no issue with us having 16:41:46
25 day to day working level discussions with WH staff, 16:41:48

1 he does not want them directing us especially when
2 it comes to decisions or changes of decisions by
3 our professionals."

16:41:51

16:41:55

16:41:58

4 Were you aware of any concerns from then
5 Secretary Kelly about direction that was coming
6 from White House staff at that time?

16:42:03

16:42:06

16:42:10

7 A. In general, yes. This is something that
8 General Kelly was passionate about. Being a
9 military guy, he understood and believed deeply in
10 the chain of command. So General Kelly believed
11 that as a Cabinet Officer, he worked for the
12 president. He didn't work for White House staff or
13 staff at other agencies. So what he's -- what
14 you're seeing here is Kelly saying that we don't --
15 the Department of Homeland Security doesn't do
16 things because staff has told us to do them,
17 especially when something is a secretarial decision
18 like TPS.

16:42:12

16:42:22

16:42:25

16:42:29

16:42:32

16:42:35

16:42:38

16:42:43

16:42:48

16:42:50

16:42:54

16:42:57

19 Q. So just one other question. If you go to
20 the follow-up e-mail chain, the third paragraph,
21 the follow-up e-mail in the chain, the third
22 paragraph down reads, "Thanks for the quick recap
23 on premium 2. I recognize when Gene is gone just
24 how much the Secretary delegates and trusts all
25 things immigration to him."

16:42:59

16:43:13

16:43:17

16:43:20

16:43:24

16:43:31

16:43:31

1 Who is Gene in that sentence?

16:43:33

2 MR. KIRSCHNER: Objection, calls for
3 speculation.

16:43:34

16:43:41

4 A. I am speculating, but we can be rather
5 certain that he's referring to Gene Hamilton.

16:43:41

16:43:46

6 Q. Was it your understanding that then
7 Secretary Kelly deferred quite significantly on
8 immigration questions to Mr. Hamilton?

16:43:50

16:43:52

16:43:56

9 A. So, again, I only overlapped with General
10 Kelly for three weeks. I know that General Kelly
11 and Gene Hamilton had a very close and collegial
12 relationship.

16:43:59

16:44:03

16:44:08

16:44:17

13 MR. KIRSCHNER: Just trying to figure out
14 when is a good time for a very quick break.

16:44:42

16:44:44

15 MS. MacLEAN: We can take quick break if
16 you want. I think we're barrelling through --

16:44:48

16:44:50

17 MR. KIRSCHNER: I know that's -- I was
18 trying to think in terms in context of a break, not
19 in context of rushing you through.

16:44:50

16:44:52

16:44:55

20 MS. MacLEAN: We can actually take a break
21 if you need a break or --

16:44:58

16:45:00

22 MR. KIRSCHNER: Take a short break.

16:45:00

23 THE VIDEOGRAPHER: Time is 4:45. We're
24 off the record.

16:45:02

16:45:04

25 (Proceedings interrupted at 4:45 p.m. and

16:45:21

1 reconvened at 4:49 p.m.) 16:48:49

2 THE VIDEOGRAPHER: Here time is 4:49. 16:48:51

3 We're back on the record. 16:49:08

4 (Exhibit 48, DHS-001-659-000660 - 662, 16:49:10

5 marked for identification.) 16:49:11

6 BY MS. MacLEAN: 16:49:12

7 Q. So I've marked as Exhibit 48 another 16:49:13

8 e-mail chain from November 8th, 2017. I wonder if 16:49:16

9 you could just look at it briefly and let me know 16:49:28

10 what it is referring to. 16:49:31

11 A. Okay. 16:49:33

12 Okay. 16:49:55

13 Q. Do you know what this is referring to? 16:49:55

14 A. Yes. This appears to refer to a letter 16:49:56

15 from the Haitian ambassador to the United States 16:50:02

16 regarding TPS, and there's a discussion of whether 16:50:07

17 or not this letter should be forwarded to the 16:50:10

18 Secretary and the answer is yes, it should be. 16:50:14

19 Q. Then I just wanted to ask you a couple of 16:50:17

20 questions regarding the TPS decision for Sudan. 16:50:28

21 (Exhibit 49, AR-SUDAN-00000028 - 39, marked 16:50:39

22 for identification.) 16:50:52

23 Q. So I'm marking as Exhibit 49 a document 16:50:52

24 that is called "Temporary Protected Status 16:50:56

25 Consideration, Sudan, August 7th, 2017." 16:50:59

1 Do you know what this document is? 16:51:11

2 A. I don't. 16:51:16

3 Q. I represent that this document, the 16:51:17

4 temporary protected status consideration is a 16:51:27

5 document that is usually included within the 16:51:30

6 decision packet that goes to the Secretary, and 16:51:33

7 that includes an analysis of country conditions 16:51:37

8 related to Sudan. 16:51:39

9 Had you been given access to the country 16:51:40

10 conditions reports that were produced by USCIS 16:51:48

11 typically regarding TPS? 16:51:52

12 A. Um, so typically, I would see that 16:51:53

13 paperwork. Typically, I wouldn't see it before it 16:51:59

14 went to the Secretary. 16:52:03

15 Q. Would you see it at the same time that it 16:52:05

16 went to the Secretary or after the Secretary had 16:52:13

17 already made a decision? 16:52:16

18 A. Um, I believe typically, I would see the 16:52:17

19 paperwork after it went to the Secretary and before 16:52:24

20 she made a decision, though I -- I don't have a 16:52:28

21 clear recollection of that process regarding Sudan. 16:52:34

22 Q. Okay. So fair to say that you don't 16:52:38

23 recall reading the country conditions report for 16:52:43

24 Sudan? 16:52:46

25 A. I don't recall reading it. 16:52:46

1 Q. I'll skip that.

16:52:49

2 Do you recall any concerns about whether
3 the Secretary would make a timely decision with
4 regard to the TPS determination of Sudan?

16:52:55

16:52:59

16:53:04

5 A. Yes, because as we've discussed
6 previously, there was this -- there was this delay
7 in getting the paperwork from the Department of
8 State, which she really wanted to see before she
9 made her decision.

16:53:08

16:53:17

16:53:25

16:53:28

16:53:31

10 Q. I'm going to give you what has previously
11 been marked as Exhibit 7. This does seem to start
12 at the end and go to the beginning.

16:54:13

16:54:15

16:54:25

13 A. Okay.

16:54:27

14 Okay.

16:55:31

15 Q. What do you understand this e-mail chain
16 to be referring to?

16:55:31

16:55:33

17 MR. KIRSCHNER: Objection, calls for
18 speculation.

16:55:34

16:55:39

19 A. This seems to be a back and forth about
20 USCIS's input into the Sudan TPS decision.

16:55:39

16:55:47

21 Q. So if I -- the first e-mail in the chain
22 from August 29th, 2017 at 9:52 p.m., the subject is
23 "Sudan TPS" and the author is Gene Hamilton. It's
24 obviously redacted in full.

16:55:53

16:56:01

16:56:08

16:56:16

25 The next e-mail is from Kathy Neubel

16:56:20

1 Kovarik replying to that e-mail apparently 16:56:27
2 15 minutes later, also entirely redacted. 16:56:31

3 Following that, Mr. Hamilton one minute 16:56:33
4 later says, "We need to repackage." 16:56:40

5 Do you have any understanding of what that 16:56:48
6 was related to and whether that was a concern from 16:56:51
7 DHS or a concern from USCIS or something else 16:56:55
8 entirely? 16:57:00

9 MR. KIRSCHNER: So just Ambassador Nealon, 16:57:01
10 the way the question was asked, I'm not instructing 16:57:07
11 you not to answer to the extent that it later calls 16:57:10
12 for the content of those discussions. I may 16:57:13
13 instruct you not to answer, but I just want to draw 16:57:16
14 the line of where -- of where I'm instructing you. 16:57:18

15 THE WITNESS: Thank you. 16:57:24

16 A. So it's not clear to me because of the 16:57:25
17 redactions what "repackage" means, so I don't know. 16:57:31

18 Q. Okay. If we go to the next e-mail in the 16:57:36
19 chain, I wonder if that helps provide some 16:57:39
20 clarification. Christina McDonald, 20 minutes 16:57:42
21 after Mr. Hamilton's communication, says, "Kathy, 16:57:47
22 will you guys send an updated memo on Wednesday 16:57:51
23 a.m.? We can then send it to ESEC and ask them to 16:57:55
24 swap out the document." 16:57:59

25 Does that provide any clarification? 16:58:01

1 A. It doesn't really, no.

16:58:03

2 Q. Okay. And then if we look further up the
3 chain, Christina McDonald, the end of the first
4 page, August 30th, 2017 at 11:36 a.m. and moving
5 onto the second page, she says, "I'm not trying to
6 be a pest again, but ESEC just checked in with me
7 and so I'm checking in with your folks, when do you
8 think USCIS will send the updated TPS Sudan/South
9 Sudan packages to OJC?"

16:58:05

16:58:08

16:58:15

16:58:22

16:58:25

16:58:29

16:58:32

16:58:32

10 Does that provide any clarification?

16:58:37

11 A. Again, it certainly doesn't provide any
12 clarification on what needed to be updated or
13 repackaged or anything, no.

16:58:42

16:58:45

16:58:48

14 Q. And then it says "PLCY" -- which we now
15 know is the department's Office of Policy --
16 "requires the updated memo so that they can clear
17 the memo and ESEC requires the DHS Office of
18 Policy's clearance before the package can move
19 forward."

16:58:50

16:58:56

16:58:59

16:59:01

16:59:06

16:59:08

20 Do you remember any communications
21 regarding the swapping out of a memo regarding TPS
22 for Sudan or South Sudan?

16:59:08

16:59:10

16:59:15

23 A. I don't.

16:59:22

24 MS. MacLEAN: I'm going to mark an exhibit
25 as Exhibit 50, though I would imagine this would be

16:59:29

16:59:31

1 something that we would come back to if we do have 16:59:34
2 an opportunity to see this e-mail without 16:59:36
3 redactions. 16:59:38

4 (Exhibit 50, DHS_RFPD_00001071, marked for 16:59:39
5 identification.) 16:59:48

6 Q. So if you notice the previous e-mail chain 16:59:48
7 took place on August 29th and August 30th of 2017. 16:59:51
8 The e-mail that we're looking at now is from 16:59:55
9 August 29th of 2017. So in the same time frame. 16:59:59

10 Mr. Dougherty sends an e-mail to you that 17:00:04
11 is entirely redacted except for his 17:00:08
12 recommendations. And you reply "copy, thanks." 17:00:13

13 Do you have any recollection of what this 17:00:16
14 refers to? 17:00:18

15 A. No. But it could refer to the clearance 17:00:26
16 process that was mentioned in the previous e-mail. 17:00:31
17 But again, it's just not enough here to go on. 17:00:35

18 Q. Is it fair to say that there's not enough 17:00:39
19 here to go on because of the redactions? 17:00:41

20 MR. KIRSCHNER: Objection, argumentative. 17:00:44
21 Counsel is testifying. 17:00:47

22 A. So it's impossible to know without seeing 17:00:48
23 the redactions whether the redactions would make 17:00:53
24 things clear or not. 17:00:57

25 Q. Thank you. 17:01:14

1 This is an exhibit that's previously 17:01:14
2 marked as Exhibit 25, and this is an e-mail 17:01:19
3 exchange from September 6th, 2017. I'm going to 17:01:30
4 ask you to take a moment to review it and see if 17:01:39
5 you can explain what it is referring to, to the 17:01:41
6 extent that you know. 17:01:45

7 A. So I don't know precisely what it's 17:02:37
8 referring to. It could be -- so after the 17:02:40
9 Secretary signs a TPS decision, then there's a 17:02:48
10 package that goes over to the Office of Management 17:02:56
11 and Budget for the Federal Register Notice, so they 17:02:58
12 could be referring to that package, but it's just 17:03:03
13 not clear from the context, not clear to me from 17:03:07
14 the context if that's precisely what they're 17:03:09
15 referring to or not. 17:03:12

16 Q. Do you recall -- without more 17:03:23
17 clarification on that, I'll move on from that 17:03:28
18 document. 17:03:31

19 Do you recall that there had been a 17:03:31
20 Federal Register Notice for Sudan that was 17:03:33
21 published and then withdrawn? 17:03:36

22 A. Yes. 17:03:37

23 Q. Do you recall why it was published and 17:03:38
24 withdrawn? 17:03:42

25 A. I don't recall specifically why it was 17:03:42

1 published and then withdrawn, no.

17:03:44

2 Q. Do you recall what the original
3 recommendation from USCIS was with regard to TPS
4 for El Salvador, Honduras, and Nicaragua?

17:03:48

17:04:11

17:04:17

5 MR. KIRSCHNER: Objection.

17:04:24

6 Q. First of all --

17:04:24

7 MS. MacLEAN: Let me step back.

17:04:24

8 Q. Do you recall that there was an original
9 recommendation in October of 2017 from USCIS with
10 regard to El Salvador, Honduras, and Nicaragua?

17:04:27

17:04:27

17:04:32

11 MR. KIRSCHNER: Objection, foundation.

17:04:35

12 A. So are you suggesting that there was --
13 that there were two recommendations?

17:04:38

17:04:42

14 Q. So as we talked in the beginning about
15 what the process is for TPS decision-making,
16 there's something of a black box for you because
17 you were at DHS, a process that takes place within
18 USCIS, the USCIS director will sign off on a
19 decision memo that will then be transferred to DHS
20 and then there's a review process that takes place
21 within DHS. There was an initial decision memo
22 regarding certain Central American countries from
23 USCIS in October. Were you aware of that?

17:04:45

17:04:47

17:04:51

17:04:54

17:04:58

17:05:01

17:05:04

17:05:08

17:05:11

17:05:16

24 MR. KIRSCHNER: Objection, assuming facts
25 not in evidence. Counsel is testifying. Calls for

17:05:19

17:05:21

1 speculation.

17:05:30

2 A. So I guess I'm still not completely clear
3 what you're asking me. So are you suggesting that
4 there was a -- that there were -- that there was a
5 first memo that somehow got pulled back or whatever
6 and then a second memo?

17:05:30

17:05:34

17:05:36

17:05:42

17:05:45

7 Q. I'm trying to understand what initially
8 was produced by USCIS -- by the USCIS director with
9 regard to the Central American countries before the
10 final decision was made, at that point in November.
11 Obviously there were different decisions that were
12 made after that. You may not have familiarity with
13 that or recollection.

17:05:46

17:05:49

17:05:53

17:05:56

17:06:01

17:06:03

17:06:06

14 A. Again, so if you're suggesting that there
15 was a first memo and then that got pulled back and
16 then there was a second memo, I don't recall.

17:06:08

17:06:12

17:06:17

17 Q. Okay. So I'm going to give you an exhibit
18 that was previously marked as Exhibit 28. So you
19 don't need to go through the whole thing, and
20 actually most of it is redacted. But the first
21 e-mail that is visible here is from Kathy Neubel
22 Kovarik to Mr. Cissna and Mr. McKenna and someone
23 whose name is redacted. It's entitled "TPS roll
24 out coordination El Salvador, Guatemala, Haiti, and
25 Honduras." And it is on October 16th of 2017. The

17:06:19

17:06:24

17:06:36

17:06:41

17:06:44

17:06:50

17:06:51

17:06:54

17:06:56

1 e-mail states, "We can't wait for state to give us 17:07:03
2 recommendations, or we'd wait until the last 17:07:06
3 minute. The memos are nearly revised to take out 17:07:09
4 DED and add info on their original designation." 17:07:13

5 Do you know what "DED" refers to? 17:07:18

6 MR. KIRSCHNER: Objection, calls for 17:07:19
7 speculation. 17:07:26

8 A. I don't know what DED stands for. 17:07:22

9 Q. Did you ever hear any discussion with 17:07:25
10 regard to DED in the context of TPS during your 17:07:33
11 time at the Department? 17:07:35

12 A. Not that I recall. 17:07:36

13 Q. Skip one line or one sentence. The next 17:07:37
14 sentence reads, "We'll need to ask DPC to 17:07:41
15 coordinate some interagency comment period and then 17:07:44
16 report that back to her along with any 17:07:48
17 recommendation from Tillerson." 17:07:50

18 Is it fair to say that "DPC" refers to the 17:07:52
19 Domestic Policy Council at the White House? 17:07:55

20 A. Yes. 17:07:58

21 Q. Okay. Just a couple of questions with 17:08:04
22 regard to the TPS determination for Honduras. 17:08:23

23 MS. MacLEAN: Hold on one moment. 17:08:35

24 Q. Were you aware of public reports of 17:08:43
25 pressure from the White House concerning the TPS 17:08:49

1 determination for Honduras?

17:08:52

2 Sorry. Let me just clarify.

17:09:00

3 A. Thank you.

17:09:02

4 Q. Were you aware of public reports of White
5 House pressure to terminate TPS for Honduras during
6 the first time that Honduras was under
7 consideration in late October of 2017 and early
8 November of 2017?

17:09:02

17:09:05

17:09:09

17:09:12

17:09:14

9 MR. KIRSCHNER: Objection, foundation,
10 assumes facts not in evidence.

17:09:15

17:09:16

11 A. Um, again, it's very often difficult for
12 me to separate things chronologically. Yes.

17:09:21

17:09:30

13 (Exhibit 51, The Washington Post article
14 "White House chief of staff tried to pressure...,
15 marked for identification.)

17:09:42

17:09:43

17:09:43

16 Q. I'm going to introduce Exhibit 51.

17:09:44

17 MR. KIRSCHNER: Can I have a copy?

17:09:50

18 MS. MacLEAN: Oh, sorry.

17:09:53

19 Q. An article in the Washington Post called
20 "White House Chief of Staff tried to pressure
21 Acting DHS Secretary" -- oh, this is the bad copy
22 problem, too.

17:09:55

17:09:59

17:10:01

17:10:09

23 MS. MacLEAN: I'm going to withdraw that
24 exhibit, because it's a bad copy and you can't
25 actually read the end of it.

17:10:13

17:10:16

17:10:18

1 Q. Aside from the public reports, were you 17:10:21
2 aware of engagement from the White House on the TPS 17:10:26
3 decision concerning Honduras in late October and 17:10:32
4 early November of 2017? 17:10:38

5 MR. KIRSCHNER: Ambassador Nealon, I'm 17:10:39
6 going to again qualify my instruction. You can 17:10:41
7 talk about whether there was discussion with the 17:10:44
8 White House between the White House and DHS about 17:10:49
9 the Honduras TPS decision, but I would instruct you 17:10:52
10 not to answer about the nature of those 17:10:55
11 deliberations or the internal deliberations that 17:11:07
12 were revealed within those communications. 17:11:01

13 THE WITNESS: Okay. Thank you. 17:11:05

14 A. Yes, as I've previously said, there were 17:11:09
15 conversations between the White House and DHS 17:11:13
16 regarding TPS. 17:11:16

17 Q. Were you aware of who was -- who from the 17:11:20
18 White House was engaged in those conversations 17:11:24
19 specifically with regard to the TPS decision for 17:11:27
20 Honduras? 17:11:30

21 A. So I don't have recollections specific to 17:11:30
22 the -- that I can link specifically to the 17:11:35
23 Honduras, the first Honduras decision. 17:11:40

24 Q. I think we'll hold that line of questions 17:11:43
25 until we can get a better version of that exhibit. 17:11:46

1	Do you know whether or do you recall	17:12:08
2	whether there was a change in the effective	17:12:17
3	termination date for the termination of TPS for	17:12:22
4	Nicaragua? First of all --	17:12:27
5	MS. MacLEAN: Let me go back a step.	17:12:30
6	Q. Do you understand what I mean when I say	17:12:31
7	"effective termination date" in the context of TPS?	17:12:35
8	A. I believe so, but why don't you tell me	17:12:38
9	what you mean.	17:12:41
10	Q. Well, why don't you tell me what you	17:12:42
11	understand that I mean.	17:12:43
12	A. Talking about "effective date," do you	17:12:44
13	mean the date at which it will actually terminate?	17:12:46
14	Q. Yes.	17:12:48
15	A. Yes.	17:12:49
16	Q. And do you recall that various of the	17:12:50
17	memos and recommendations with regard to TPS and	17:12:54
18	the possible termination of TPS considered whether	17:12:58
19	there should be an effective date of termination of	17:13:00
20	six months or 12 months or 18 months?	17:13:12
21	A. So I remember those discussions took place	17:13:06
22	surrounding all of the TPS decisions.	17:13:09
23	Q. And do you recall what the recommendations	17:13:13
24	were with regard to TPS -- the TPS termination for	17:13:15
25	Nicaragua?	17:13:21

JAMES D. NEALON - 08/14/2018

Page 264

1 MR. KIRSCHNER: Objection, vague. You 17:13:21
2 said those recommendations. 17:13:25

3 A. So I don't recall who within DHS was 17:13:28
4 making specific recommendations for six months or 17:13:34
5 12 months or 18 months of effective termination, 17:13:38
6 no, I don't recall. 17:13:42

7 (Exhibit 52, DHS-001-659-000856 - 860, 17:15:07
8 marked for identification.) 17:15:08

9 Q. We've marked as Exhibit 52 an e-mail 17:15:09
10 chain. I'll give you a moment to look at that. 17:15:15

11 MR. KIRSCHNER: I have only page 1 of 3. 17:15:37
12 I'm a little confused about the exhibit. 17:15:42

13 Q. So I'll ask you whether these belong 17:15:45
14 together, to the extent that you know. There's a 17:15:47
15 series of e-mails -- 17:15:49

16 MR. KIRSCHNER: I would ask, just because 17:15:51
17 of what was given to me -- 17:15:53

18 MS. MacLEAN: Are they different? 17:15:56

19 MR. KIRSCHNER: Yeah, there's different 17:15:58
20 content in different documents, different pages. I 17:15:59
21 don't know what you -- 17:16:02

22 MS. MacLEAN: Let me just try to explain. 17:16:02
23 There are three e-mails, each is marked page 1 of 17:16:04
24 3. I'm going to ask Mr. Nealon if they belong 17:16:08
25 together or if they should be different content. 17:16:12

1 The first one starts with "Need to discuss 17:16:14
2 this," the second one starts with "When she says 17:16:16
3 strategy," and the third one starts with "Okay, I 17:16:19
4 have an idea hatching." 17:16:22

5 And all three of these e-mails have the 17:16:28
6 same or nearly the same subject line and are in the 17:16:30
7 same time frame. The subject line is "TPS Upcoming 17:16:36
8 Decisions and Deadlines," and the date of all three 17:16:42
9 of these e-mails is September 18th, 2017. 17:16:44

10 Q. Do you know what these e-mails are related 17:16:51
11 to? 17:16:54

12 A. I mean, without seeing the attachment or 17:16:54
13 whatever it is that we don't have, it's very 17:16:58
14 difficult to know what this is about, what it is 17:17:02
15 specifically we're discussing. 17:17:10

16 Q. So just see if this refreshes your 17:17:24
17 recollection. The Department or USCIS issued a 17:17:32
18 press release on September 18th, 2017, announcing 17:17:39
19 the termination of TPS for Sudan. 17:17:42

20 Does that refresh your recollection? 17:17:45

21 A. Not really, because if the decision was 17:17:50
22 already made and a press release has been issued, 17:17:57
23 I'm not sure what we would need to discuss with 17:18:01
24 USCIS about it. So there are no real clues here 17:18:04
25 about what we're talking about, unfortunately. 17:18:10

1 Q. Okay. 17:18:14

2 MS. MacLEAN: We'll move on from this. 17:18:18

3 Q. Now we are approaching the end. 17:18:58

4 A. Great. 17:19:02

5 Q. Apologize and I'm grateful for your 17:19:03

6 patience. 17:19:03

7 So I just want to -- I think I've asked 17:19:03

8 you about a number of the people within the 17:19:05

9 Department or USCIS, but I just want to ask you 17:19:07

10 perhaps about a couple more that I might have left 17:19:11

11 out. 17:19:15

12 Did you previously identify the role of 17:19:16

13 Miles Taylor? 17:19:23

14 A. Miles Taylor was one of the -- during my 17:19:25

15 time there, he was one of the counsellors to the 17:19:30

16 Secretary. 17:19:33

17 Q. And was he, to your knowledge, regularly 17:19:34

18 involved in TPS determinations? 17:19:38

19 A. So he was focused mostly on relations with 17:19:40

20 international partners and counterterrorism issues. 17:19:48

21 Q. Did that bring him into the realm of TPS 17:19:54

22 or not so much? 17:19:57

23 A. Not specifically. As I said previously, 17:19:58

24 oftentimes, the counsellors would be where the 17:20:03

25 Secretary was. So he could have been in meetings 17:20:06

1 where TPS was discussed, but it wasn't an area 17:20:10
2 where he had the lead among the counsellors. 17:20:14

3 Q. Who would you say was the person who had 17:20:17
4 the lead amongst the counselors? 17:20:19

5 A. Gene Hamilton. 17:20:21

6 MR. KIRSCHNER: Object. Objection, asked 17:20:22
7 and answered. 17:20:25

8 A. I'm sorry. 17:20:25

9 Q. And then Eric Jones, I think you had 17:20:26
10 previously identified him as the military advisor 17:20:29
11 to the DHS Secretary. Did you understand that he 17:20:31
12 had a regular role with regard to TPS 17:20:34
13 determinations? 17:20:35

14 MR. KIRSCHNER: Objection, assuming facts 17:20:35
15 not in evidence. 17:20:38

16 A. So Eric Jones is a Coast Guard Admiral, 17:20:39
17 and he was during my time there the military 17:20:43
18 advisor to the Secretary. And so his role was to 17:20:46
19 -- was to give the Secretary advice on matters 17:20:58
20 related to the military and the Department of 17:21:00
21 Defense and so forth. 17:21:04

22 My only recollection of him getting 17:21:06
23 involved in TPS discussions was in the way we've 17:21:09
24 already seen regarding Haiti. 17:21:13

25 Q. Do you know David Glawe or Glawe, 17:21:15

1 G-l-a-w-e?

17:21:25

2 A. Yes. Glawe, G-l-a-w-e.

17:21:25

3 Q. And did he have an involvement with TPS,
4 to your knowledge?

17:21:28

17:21:31

5 A. So Mr. Glawe was during my time there an
6 undersecretary handling counterterrorism issues.
7 And so he was present at a lot of meetings, but he
8 wouldn't have been someone who would take the lead
9 on issues related to TPS.

17:21:42

17:21:45

17:21:49

17:21:56

17:21:58

10 Q. Now, at USCIS, did you know Kaitlin
11 Stoddard?

17:22:15

17:22:19

12 A. I believe I knew Kaitlin Stoddard in a
13 different -- in a different role. I believe she
14 came over and became a member of the Secretary's
15 staff either as a counsellor or as a counsellor to
16 the Deputy Secretary, I believe. I don't recall
17 knowing her at USCIS.

17:22:19

17:22:23

17:22:24

17:22:27

17:22:31

17:22:33

18 Q. Your recollection is that she had a role
19 with the DHS Secretary during the time that you
20 were at DHS?

17:22:35

17:22:38

17:22:42

21 A. If I'm thinking of the right person, I
22 believe she came over and became a counsellor to
23 the Deputy Secretary, I believe.

17:22:44

17:22:49

17:22:51

24 Q. Do you recall roughly when she became a
25 counsellor to the Deputy Secretary?

17:22:53

17:22:55

1 A. I don't.

17:22:57

2 Q. Do you recall her having any role in TPS
3 determinations?

17:22:57

17:23:00

4 A. I don't.

17:23:01

5 Q. Do you know Lora Ries, R-i-e-s, Lora,
6 L-o-r-a?

17:23:02

17:23:22

7 A. No.

17:23:23

8 Q. We're going to return to what we had
9 previously marked as Exhibit 51, but with a better
10 copy. And I'll give you a moment to review the
11 article. The article is entitled "White House
12 Chief of Staff Tried to Pressure Acting DHS
13 Secretary to Expel Thousands of Hondurans,
14 Officials Say."

17:24:46

17:24:49

17:24:52

17:24:54

17:24:57

17:25:00

17:25:45

15 A. Okay.

17:25:46

16 Q. So the first paragraph of this article
17 says, "As the Department of Homeland Security
18 prepared to extend the residency permits of tens of
19 thousands of Hondurans living in the United States,
20 White House Chief of Staff John F. Kelly called
21 Acting Secretary Elaine Duke to pressure her to
22 expel them, according to current and former
23 administration officials."

17:25:46

17:25:53

17:25:58

17:26:02

17:26:07

17:26:10

17:26:12

17:26:12

24 Actually, I'm going to leave that aside,
25 because I think we spoke about that previously.

17:26:12

17:26:12

1 The next sentence reads, "Duke refused to 17:26:17
2 reverse her decision and was angered by what she 17:26:21
3 felt was a politically driven intrusion by Kelly 17:26:23
4 and Tom Bossert, the White House Homeland Security 17:26:27
5 advisor who also called her about the matter." 17:26:31

6 Do you know who Tom Bossert is? 17:26:35

7 A. Yes. 17:26:38

8 Q. Were you aware of a phone call from Tom 17:26:42
9 Bossert to then Acting Secretary Duke concerning 17:26:44
10 TPS for Honduras around this time? 17:26:50

11 MR. KIRSCHNER: Ambassador Nealon, feel 17:26:53
12 free to answer the question about whether a call 17:27:07
13 took place, but to the extent that questions about 17:26:57
14 the contents of that call -- to the extent you 17:27:00
15 know, I would instruct you not to answer on 17:27:03
16 deliberative process grounds. 17:27:05

17 A. So, yes, I heard that there was a call 17:27:10
18 from Mr. Bossert to Elaine Duke, but I didn't have 17:27:18
19 firsthand knowledge of such a call. 17:27:24

20 Q. Who informed you that there was a call 17:27:26
21 from Mr. Bossert to Secretary Duke? 17:27:28

22 A. I don't recall. 17:27:31

23 Q. Do you recall how Secretary Duke responded 17:27:31
24 to the call from the White House about the TPS 17:27:39
25 determination for Honduras? 17:27:46

JAMES D. NEALON - 08/14/2018

Page 271

1 MR. KIRSCHNER: Again, Ambassador Nealon, 17:27:47
2 to the extent this question calls for internal 17:27:49
3 government deliberations, I would instruct you not 17:27:52
4 to answer. 17:27:55

5 THE WITNESS: Okay. 17:27:56

6 Q. Do you feel that you can answer that 17:27:56
7 question at all or not? 17:27:58

8 A. No. 17:28:00

9 MS. MacLEAN: So we'll save further 17:28:06
10 questions on this for -- following any court 17:28:08
11 decision on deliberative process privilege. 17:28:10

12 Q. Did you understand that there was any role 17:28:14
13 from the Department of Justice in TPS 17:28:21
14 determinations? 17:28:25

15 A. No. I'm not aware of any formal role that 17:28:26
16 the Department of Justice would play in TPS. 17:28:37

17 Q. Were you -- I'm going to ask you about a 17:28:39
18 number of nongovernmental organizations that have 17:28:48
19 expressed certain views on immigration, and with 17:28:51
20 regard to all of them, I wonder if you could 17:28:55
21 elaborate whether you know whether anyone at DHS is 17:28:58
22 in communication with these organizations or had 17:29:02
23 been in communication with these organizations with 17:29:04
24 regard to TPS. 17:29:07

25 Do you know whether anyone at DHS was in 17:29:09

1 communication with anyone from the organization 17:29:12

2 FAIR, Federation for American Immigration Reform, 17:29:16

3 related to TPS? 17:29:20

4 A. I don't know. 17:29:22

5 Q. Do you know if anyone at DHS was in 17:29:22

6 communication with the organization or anyone from 17:29:26

7 the organization Center for Immigration Studies as 17:29:28

8 it related to TPS? 17:29:31

9 A. I don't know. 17:29:34

10 Q. Do you know whether anyone at DHS was in 17:29:34

11 communication with anyone from the organization 17:29:39

12 NumbersUSA in connection with TPS? 17:29:42

13 A. I don't know. 17:29:44

14 Q. With those -- with regard to those three 17:29:45

15 organizations, FAIR, Center for Immigration Studies 17:29:48

16 and NumbersUSA, were you aware whether anyone at 17:29:51

17 DHS was in communication with these organizations 17:29:55

18 or people from these organizations about 17:29:59

19 immigration issues more broadly? 17:30:01

20 A. So I certainly know who those 17:30:03

21 organizations are, and I do recall occasionally 17:30:06

22 hearing that someone had been in contact with the 17:30:15

23 Center for Immigration Studies, for example, but I 17:30:18

24 don't recall the specific circumstances under which 17:30:22

25 that would have taken place, and I don't recall 17:30:24

1 hearing about any communication regarding TPS 17:30:31
2 specifically. 17:30:33

3 Q. And do you recall who -- you said that you 17:30:34
4 recall communications about engagement with TPS. 17:30:36
5 Do you recall who from DHS was engaged with those 17:30:39
6 organizations? 17:30:41

7 A. I don't. 17:30:42

8 Q. And then same question with regard to a 17:30:44
9 few people connected to those organizations. 17:30:47

10 Do you recall conversations while you were 17:30:50
11 at DHS about communications with Mark Krikorian 17:30:52
12 concerning immigration issues or TPS more 17:30:56
13 specifically? 17:30:59

14 A. No. 17:31:00

15 Q. Same question with regard to David North? 17:31:00

16 A. No. 17:31:04

17 Q. Same question with regard to Jessica 17:31:04
18 Vaughn? 17:31:07

19 A. No. 17:31:07

20 MS. MacLEAN: I think we're basically 17:31:57
21 done, but if you could just give us one moment to 17:31:59
22 connect to make sure there's nothing else before we 17:31:59
23 release you. We'll go off the record for a moment. 17:32:01

24 THE VIDEOGRAPHER: Time is 5:32. We're 17:32:01
25 off the record. 17:32:03

1	(Proceedings interrupted at 5:32 p.m. and	17:32:04
2	reconvened at 5:38 p.m.)	17:32:05
3	THE VIDEOGRAPHER: Time is 5:38. We are	17:38:42
4	back on the record.	17:38:46
5	BY MS. MacLEAN:	17:38:47
6	Q. So just one last question for you,	17:38:47
7	Ambassador Nealon.	17:38:50
8	A. Sure.	17:38:50
9	Q. After you sent your memo concerning TPS	17:38:51
10	for El Salvador, Honduras, and Nicaragua to then	17:38:57
11	Acting Secretary Duke, did anyone communicate with	17:39:00
12	you about that memo?	17:39:04
13	A. I believe I heard from the Secretary	17:39:11
14	herself, thanks; and I think I heard from her Chief	17:39:17
15	of Staff, thanks, but I don't recall hearing from	17:39:21
16	anybody else.	17:39:25
17	Q. Okay.	17:39:25
18	MS. MacLEAN: And I have no further	17:39:29
19	questions at this time. As you know, the	17:39:30
20	deposition is open because there's an outstanding	17:39:32
21	question with regard to the deliberative process	17:39:35
22	privilege and, you know, what -- what can be	17:39:37
23	protected and what must be shared.	17:39:39
24	I just want to thank you for your time. I	17:39:41
25	know you're not working for the government anymore,	17:39:43

1 so this is a long day, but we'll close the 17:39:46
2 deposition for now but leave it open based on the 17:39:50
3 outstanding questions that exist. 17:39:54

4 MR. KIRSCHNER: And the only thing I want 17:39:55
5 to say on the record is per agreement with counsel, 17:39:57
6 subject to Judge Chen, that to the extent this 17:40:00
7 deposition is to be reopened, Judge Chen's order 17:40:06
8 refers to August 20th, but that the parties have 17:40:09
9 agreed that the deposition -- based on previous 17:40:13
10 schedule conflicts, they would be fine with it 17:40:15
11 being reopened on August 21st to the extent Judge 17:40:17
12 Chen reopens this deposition. I just want to make 17:40:22
13 sure that was a clear agreement on the record. 17:40:25

14 THE WITNESS: Thank you. 17:40:27

15 MR. KIRSCHNER: With that, I have no 17:40:27
16 questions on my end and thank you for your time. 17:40:29

17 THE WITNESS: Thank you very much. 17:40:31

18 THE VIDEOGRAPHER: Time is 5:40. That 17:40:31
19 concludes today's deposition. We're off the 17:40:36
20 record. 17:40:38

21 (Whereupon, this deposition was concluded 17:40:39
22 at 5:40 p.m.) 17:40:43

23

24

25

1 CERTIFICATE OF REPORTER

2 I, Dana Welch, a Certified Shorthand
3 Reporter, hereby certify that the witness in the
4 foregoing deposition was by me duly sworn to tell
5 the truth, the whole truth, and nothing but the
6 truth in the within-entitled cause;

7 That said deposition was taken in
8 shorthand by me, a disinterested person, at the time
9 and place therein stated, and that the testimony of
10 the said witness was thereafter reduced to
11 typewriting, by computer, under my direction and
12 supervision;

13 That before completion of the deposition,
14 review of the transcript [X] was [] was not
15 requested. If requested, any changes made by the
16 deponent (and provided to the reporter) during the
17 period allowed are appended hereto.

18 I further certify that I am not of counsel
19 or attorney for either or any of the parties to the
20 said deposition, nor in any way interested in the
21 event of this cause, and that I am not related to
22 any of the parties thereto.

23 Dated: August 15, 2018.

24

25


Dana Welch, CSR, RPR, CRR, CRC

JAMES D. NEALON - 08/14/2018

1 Errata Sheet

2

3 NAME OF CASE: CRISTA RAMOS vs. KIRSTJEN NIELSEN

4 DATE OF DEPOSITION: 08/14/2018

5 NAME OF WITNESS: James D. Nealon

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page _____ Line _____ Reason _____

11 From _____ to _____

12 Page _____ Line _____ Reason _____

13 From _____ to _____

14 Page _____ Line _____ Reason _____

15 From _____ to _____

16 Page _____ Line _____ Reason _____

17 From _____ to _____

18 Page _____ Line _____ Reason _____

19 From _____ to _____

20 Page _____ Line _____ Reason _____

21 From _____ to _____

22 Page _____ Line _____ Reason _____

23 From _____ to _____

24

25 _____

JAMES D. NEALON - 08/14/2018

i1

<div>0</div> <div>08.04.17 233:15</div> <div>1</div> <div>1 20:18 88:2 183:1 264:11,23</div> <div>10 80:12,15 209:19</div> <div>10/10/17 236:1</div> <div>107 64:18</div> <div>10:44 80:16</div> <div>10:44 a.m 80:18</div> <div>10th 21:20 44:5 180:25 209:24 236:13</div> <div>11.13.17 240:12</div> <div>11:05 80:20</div> <div>11:05 a.m 80:19</div> <div>11:17 67:4</div> <div>11:32 171:19</div> <div>11:36 255:4</div> <div>11th 44:5 180:25</div> <div>12 40:18,19 193:15 207:19 263:20 264:5</div> <div>12:16 130:21</div> <div>12:16 p.m 130:23</div>	<div>14 134:3 171:16 243:15 244:24</div> <div>142 66:25 67:3</div> <div>143 67:1</div> <div>14th 10:6</div> <div>15 40:18,19 254:2</div> <div>150 21:25</div> <div>16 33:19</div> <div>16th 259:25</div> <div>17 35:17</div> <div>18 64:4 66:20 263:20 264:5</div> <div>18th 60:16 265:9,18</div> <div>1996 34:18</div> <div>1998 217:8</div> <div>1999 34:13,18</div> <div>19th 231:16</div> <div>1:00 130:25</div> <div>1:00 p.m 130:24</div> <div>1st 67:4</div> <div>2</div> <div>2 89:8 134:17 152:17 190:3 229:10 232:15 249:23</div>	<div>20 22:6 24:13 168:18 205:12 227:14 254:20</div> <div>2002 34:7,13</div> <div>2005 33:23 34:7</div> <div>2007 33:14,23</div> <div>2010 32:25 33:14</div> <div>2013 31:22 33:1</div> <div>2014 27:13 31:22</div> <div>2016 31:12 35:16</div> <div>2017 21:20 27:13 35:18 60:16 64:5 67:4 134:25 159:23 171:19 180:17 207:4,15 231:16 236:12,14 243:15 244:24 251:8,25 253:22 255:4 256:7,9 257:3 258:9 259:25 261:7,8 262:4 265:9,18</div> <div>2018 10:6 26:18 134:4 209:20,24</div> <div>22nd 171:19</div> <div>23rd 60:16</div> <div>24 16:9,13 190:2</div> <div>25 257:2</div> <div>28 259:18</div> <div>29 20:20</div> <div>29th 253:22 256:7,9</div> <div>2:00 171:14</div>	<div>2:30 189:8</div> <div>2:45 64:5</div> <div>2:49 202:10</div> <div>2:49 p.m 202:12</div> <div>2:50 189:10</div> <div>3</div> <div>3 89:11 92:2 183:1 184:12 241:2 264:11,24</div> <div>30 58:4,5,8 77:22 124:10</div> <div>30th 44:7 194:14 255:4 256:7</div> <div>31 64:3,4,9 207:15</div> <div>31st 157:21,25 159:23 194:14 202:21</div> <div>32 82:21,22</div> <div>33 85:23 86:1</div> <div>34 134:3,6 212:4,19</div> <div>35 152:11,13</div> <div>36 180:16,19</div> <div>37 182:17,19</div> <div>38 184:12</div> <div>39 188:23 189:5,6 251:21</div> <div>3:11 202:13,14</div> <div>3:18-CV-1554-EMC</div>
---	---	--	--

JAMES D. NEALON - 08/14/2018

i2

10:12	4:45 p.m 250:25	6th 257:3	A
3:52 228:6	4:49 251:1,2	7	a.m. 10:6 171:19 254:23 255:4
3:52 p.m 228:8	4th 236:12	7 134:25 241:2 253:11	ability 198:5 213:7
3:55 134:4	5	7,000 217:9	able 24:14 58:14 131:6 170:13 178:12 193:16 195:17 209:9 212:20 232:17 247:21 248:9
3rd 234:3	5 143:11	77 82:22	absence 33:20 193:2
4	5/8/18 152:11	7th 251:25	absolutely 114:16 126:11
4 143:8,10,13 169:14	50 255:25 256:4	8	accept 107:25
4/6 84:15	51 261:13,16 269:9	8 180:16	accepts 137:24
40 206:22 207:2	52 184:11 264:7,9	860 134:20,25 135:4 264:7	access 115:22 116:5,20,22 117:2,17,18 205:25 252:9
41 209:19,22	521 240:4	860th 135:4	accessed 116:17
42 228:24 229:1	58 233:6	8th 251:8	accessing 117:7
43 231:14,18	5:00 84:15	9	account 63:17 168:11,25
44 233:6,8 236:11	5:32 273:24	9 182:16	accounts 170:3,5 171:4
45 235:25 236:2,12	6	954 228:24	accurate 23:1 131:25 151:2 214:2
46 240:3,4,6	6 186:3 207:4	9:04 10:6	acted 57:1
460 86:1	60 10:8 29:6 94:23	9:15 20:25	acting 18:11 21:16 22:25 38:3, 4,7 40:8 42:1 47:5,15, 21 48:12 49:12,15 55:1, 4,5,8,9,13,14,19 69:7 71:24 72:9,12 74:6 75:5,21 82:8 97:11 106:3 107:6,7 120:2,10, 14,16,22 148:5,14,16 149:3,4,13 150:1 158:1,
47 243:15,19	60-day 29:9 69:17	9:15 a.m 21:2	
48 251:4,7	609 182:17	9:17 21:4	
49 251:21,23	631 58:5	9:17 a.m 21:3	
4:07 228:10	662 251:4	9:31 190:2	
4:07 p.m 228:9	691 188:23	9:52 253:22	
4:45 250:23			

JAMES D. NEALON - 08/14/2018

i3

5,18 159:13,20 160:8, 13,19 163:8 184:25 185:5 190:25 191:2 194:4,11,18,22 195:2 196:6,10 197:23 201:12 202:21 204:6,9 205:23 206:19 207:2,7,12,14, 20 208:13,21 209:1,10, 13 222:6 233:17 235:6, 8 236:20 241:7 261:21 269:12,21 270:9	7,8,20,22 220:8,20 269:23 administration's 211:3,25 214:16 administrations 218:10 219:3 220:15 administrative 19:21,24 admiral 184:22 185:1,6,8,9 267:16 adopted 143:18 advance 17:2 advice 23:4 32:12 50:16 54:10 69:7 192:7 267:19 advise 165:9 advised 51:11 155:3 advising 166:8 advisor 26:1 32:7,10 155:19 156:1,3 185:9 267:10, 18 270:5 advisors 50:21 51:2 155:22 156:25 Afaneh 10:22 affairs 21:16 22:10,14,22 23:12,13 25:12 26:1 28:5 29:16,19 31:1 32:15 34:3,10 50:19 60:10 86:9 88:6,22,23, 25 89:3,5 92:24 108:9 110:2 114:18 121:8 123:4,7 127:25 133:18 230:22,24 231:1,11 233:23 234:2 afraid 74:13	African 121:8 agencies 116:18,20 249:13 agency 34:16 145:9,10,13 agenda 72:24 239:19 agendas 78:12 ago 121:6 219:2 agree 110:3 agreement 110:8 ahead 90:9 153:16 aides 52:6 153:22 aim 80:14 aimed 205:16 alcohol 16:12 Alford 57:7 alleged 170:25 allow 14:10,14 135:18 154:15 198:12 218:15 allowed 220:16 allowing 209:3,14 223:10 alongside 75:7 alter 132:14 AMB 93:18 ambassador	11:6,11,12,16 14:19 19:3 21:7 27:9,11,12,21 28:7,14 29:3,14,20,23 30:2,10,24 31:7,14,16 33:21 35:11,13 37:3 64:7 65:10,11 80:23 87:13 93:19 109:14,20, 25 110:4 111:2,6,20 112:4,5,10 113:1,4,8, 11,15 117:23 118:21,25 119:8,10 130:18 131:3, 9 132:25 133:10,19 138:3,17 146:15 152:23 153:11 156:6 158:13,16 160:11,16 162:6 164:1 165:21 167:18,21 170:12,13 172:2,3 177:8,12 178:7 183:22, 24 185:18 193:8,9 194:10 195:17 196:22 197:15,22 200:6,14,21, 24 201:8 205:3 209:8, 23 213:17 214:9 219:25 220:12 221:7 228:13 229:11,21 251:15 254:9 262:5 270:11 271:1 ambassador's 28:8 109:8,11,15 110:3 133:11,15 ambassadors 27:25 110:11,20 116:8 133:23 213:16,21 ambassadors' 135:22 ambassadorship 27:15 amend 67:13 Amended 20:20 America 73:22,24 77:25 98:24 100:24 101:22 103:23 105:10 106:3 107:6 123:22 127:19 158:2,7 179:16 198:6 213:22,24 214:6,16,25 215:22 216:3,20 227:19,21 American 18:10,14 24:23 73:25 99:15 205:12 213:16,21
---	--	---	---

JAMES D. NEALON - 08/14/2018

i4

<p>227:25 258:22 259:9 272:2</p> <p>amount 109:9,18 145:23 181:20</p> <p>analyses 42:17</p> <p>analysis 177:14 252:7</p> <p>and/or 148:11</p> <p>Anderson 233:1,2</p> <p>anger 212:11</p> <p>angered 270:2</p> <p>announced 60:14</p> <p>announcing 265:18</p> <p>anonymity 155:24</p> <p>answer 12:20 13:15,19,20 14:1, 5,23,25 25:22 26:7 45:16,22 46:3,5,14 49:22 50:13 52:23 61:6 62:6 65:25 90:7,8 92:10 108:19 111:23 113:19 114:1,5 119:14,15 121:20 124:16,17 129:16,19 132:19,20 134:2 137:4 138:1,17, 19,23 139:20 141:23 142:5,20,23 143:1,2,4,5 144:12,25 145:11,16 146:16,17 147:7,9 153:12 154:4,16,20,24 155:1,2,14 156:6,10,16 157:3,7,8 158:14,17 159:12,16 160:11,16 161:19,22,24 162:3 164:1,4,7,10 165:25 166:2,24 167:3 168:1 170:18 172:9,24 174:8, 14,19 175:19,23 176:2, 4,7,10,15 177:8 180:2 181:20 188:8,9,11,16 191:19 194:3,17 200:25 201:3,5,17 210:11,14</p>	<p>211:9,21 212:4 217:22 218:8 221:10,13 223:5, 9 226:3,5 242:4,7,18, 22,24 243:2 251:18 254:11,13 262:10 270:12,15 271:4,6</p> <p>answered 15:7 74:17 80:24 155:16,17 206:8 210:13 267:7</p> <p>answering 12:16 13:11 14:10,15 137:18 153:7 201:1</p> <p>answers 12:24 13:1 15:15</p> <p>anticipate 67:11</p> <p>anticipation 165:24 167:5 194:5</p> <p>anybody 203:2 208:8</p> <p>anyway 155:22</p> <p>apologies 126:22</p> <p>apologize 193:12 211:17 212:13 266:5</p> <p>apparently 57:6 231:17 239:13 254:1</p> <p>appear 182:1,6</p> <p>appearance 10:13 179:8</p> <p>appeared 203:8</p> <p>appears 67:23 86:20 183:11 229:11 234:21 235:4 236:3 240:14 251:14</p> <p>applies 169:7</p> <p>apply 121:23 215:11</p> <p>appointed</p>	<p>26:25</p> <p>appointee 26:21,23 100:9,10,11 124:6 126:4 128:2 210:16,17,20 211:2</p> <p>appreciate 13:12 83:1 143:9 198:13 211:10,20 212:13</p> <p>approach 146:6 179:15,18</p> <p>approaching 266:3</p> <p>appropriate 67:14</p> <p>appropriately 85:3</p> <p>approximately 24:13 29:1 31:24 38:24 95:16 118:24 123:9</p> <p>AR-HAITI-00000001 184:12</p> <p>AR-SUDAN-00000028 251:21</p> <p>archives 136:13</p> <p>area 34:22 35:10 213:1 267:1</p> <p>aren't 131:17</p> <p>Arex 57:16,19 232:2</p> <p>argue 161:11</p> <p>argued 139:11 227:17</p> <p>argues 143:19 217:6</p> <p>arguing 139:14</p> <p>argument 146:22 173:9 227:11</p> <p>argumentative 256:20</p>	<p>arguments 217:11 227:11</p> <p>arm 18:19 36:16</p> <p>arose 98:23 147:21 162:18,21</p> <p>arrange 132:5</p> <p>arrival 246:12,21</p> <p>arrive 98:3</p> <p>arrived 55:2 104:3 112:21 229:12,13 233:12 244:25 245:3 246:5</p> <p>arriving 95:25</p> <p>article 152:11,14 155:9,12 161:3 170:10,11 209:19 214:9 216:25 261:13,19 269:11,16</p> <p>articulating 197:19</p> <p>AS1 190:24,25 233:17</p> <p>AS1'S 190:23</p> <p>AS1BB 233:15,16 236:13 240:12,13</p> <p>ASBB 234:5</p> <p>Asia 160:5</p> <p>aside 17:17 20:5 114:7 164:21 171:3 186:9 192:22 262:1 269:24</p> <p>asked 29:4,8,17,20 70:12 110:23 113:22 143:2 156:7 164:13,24 166:14,17 182:20 185:5,6,10 187:23 191:1,11,13 194:8,15</p>
--	--	--	--

JAMES D. NEALON - 08/14/2018

i5

198:20 202:19 204:7,12 205:21 206:6,7 208:17 210:6 226:3 230:1 242:5,7 254:10 266:7 267:6	attached 82:25	57:16,25 232:2,3,5,7	263:5
asking 12:15 58:13 137:14 165:5 185:17 191:5,7, 10 220:3 223:15 246:6 259:3	attachment 265:12	Avanni's 57:19 232:10	backdrop 129:2
asks 28:22 65:2 113:23 137:10 187:6	attachments 234:4,9	avenues 247:21	background 47:22 76:1
asserted 46:1	attempt 197:5	avoid 14:14 181:8	bad 261:21,24
asserting 125:6 154:5	attend 71:3,5,18 77:20	aware 16:20,24 17:1,4 57:10 58:2 61:24 83:20 85:12 87:23 92:1 94:24 146:10 154:13,21 155:3,15,25 156:7 157:1,4,10 158:11,14 159:2 160:7,12 161:13, 20,24 162:4,14 163:3,7, 11 164:5 170:3,5,19 173:18 174:4,14,18,22 175:1,9,12,20 176:10, 13 181:1 184:8 185:13, 21 202:24 204:9 226:12 228:15 232:6 249:4 258:23 260:24 261:4 262:2,17 270:8 271:15 272:16	banging 204:15
assertions 145:3,4 166:25	attended 77:7,9,21		barrelling 250:16
assessment 19:5 143:22	attendees 229:23 230:1 240:23 241:1		based 17:14 23:7 126:15 143:5,21 147:7 155:2 177:3 213:25 218:25 240:8 242:18 244:7,8
assistant 21:14 22:9,13,21 25:11 27:25 28:4 60:10 83:25 84:2 86:9 89:5 97:11 110:5,6 121:7 123:3,6, 21 127:23 187:3 233:22 234:1	attorney 17:17 20:5 155:3 216:14		bases 173:10
assistants 52:7	attorney-client 164:6,8		basic 12:1 134:15
assisted 52:18	attorneys 17:22,24		basically 78:3 273:20
associated 145:14	atypical 104:15	awareness 73:3 78:4,7 80:9 171:20	basis 107:11 108:14 139:1 194:20,25 242:17
assume 12:20 51:16 110:22,23 115:8 121:22 233:24 240:8 248:15,18,21	August 10:6 27:12 234:3 236:12 251:25 253:22 255:4 256:7,9	<hr/> B <hr/>	battles 212:5
assumes 111:4 136:9 261:10	Austin 10:7	B-r-e-i-e-r 101:7	BB 233:18 240:13
assuming 93:10 144:16 258:24 267:14	Australia 23:24 58:15 189:17 190:21	B6 90:25	began 247:2,12
assumption 241:15	author 253:23	back 21:5 25:7 27:5 34:19 35:15 43:7,10,11 55:19, 20 60:17 78:22 80:21 85:16 97:1 107:13 111:25 127:2 131:1 153:17 175:4 178:4,11 181:19 184:9 193:19 198:7 199:11 200:16 202:15 204:8 205:14 207:18 208:9,24 210:5, 12,24 211:12 216:8 222:15 227:13,19,20 228:1,11 237:7 239:7 243:6 244:18 246:1,5 251:3 253:19 256:1 258:7 259:5,15 260:16	beginning 129:7 216:11 217:10 245:9 253:12 258:14
asylum 216:16	authorities 104:24 146:7		begins 66:25 87:6
	authority 12:9 13:18 80:25 147:23		begun 218:12
	automatically 209:4,15		belief 99:17,21 216:8 218:22
	available 15:17		believe 17:25 18:12,22 26:18, 23 28:19 31:9,11 35:23 40:10 44:6,7,11 46:11 65:23 71:14 82:2 83:25 92:23 95:24 96:16,17
	Avanni		

JAMES D. NEALON - 08/14/2018

i6

98:23,24 99:21 100:4, 11,22 101:6 104:13 105:18,19 107:6 111:7, 12,16,18 112:19 113:3, 9 117:3 121:6 122:16 127:21 128:12 129:23 142:12 149:3,8 180:24 190:6,17 199:19 204:14 205:9 210:3,25 213:9 214:12 217:22,25 218:19,21 220:24 225:13 229:4,10 230:14 237:13 244:10 248:7 252:18 263:8 268:12, 13,16,22,23	217:13 black 258:16 Blackwell 237:12,13 238:3,15 block 230:2 board 44:4 84:1 128:24 169:17,22 230:8 Bob 10:4 body 84:21,23 boil 196:2 bold 181:15 232:24 border 23:18 213:12 215:3,11 216:10,12 borders 84:2,3 187:3 Bossert 270:4,6,9,18,21 Boston 10:8 bottom 64:18 66:25 67:3 171:18 181:7 190:3 213:14 box 258:16 Brandon 41:14 232:25 break 15:11,19,22 25:6 27:14 76:8,11 80:12 81:17,21 130:14,15,17,19 131:4 132:23 141:3 169:18 189:13 202:9 250:14, 15,18,20,21,22 breaks 15:20,24 33:2 Breier 101:6,21 102:19,22	Breitbart 203:9 Brian 100:5,9 Briana 25:1 81:19 86:10 132:13 235:25 brief 44:16,19 171:21 236:20 246:10 briefed 73:1 briefers 71:25 73:7 briefing 73:2 229:18 231:16 232:23 233:9,15 234:6, 15 235:5,8 236:11 238:16,19 briefly 44:4 197:20 251:9 bring 191:22 205:8 266:21 bringing 193:2 Britain 23:24 broad 51:6 108:20 broaden 205:6 broader 56:14 broadest 156:21 broadly 166:12 231:9 272:19 brought 17:8 brush 51:7 Budapest 34:11 Budget 65:15,24 257:11	building 216:11 245:4 bullet 134:16,17 135:19 bundle 182:13 bundling 179:6 182:2 bureau 28:1 29:15,18 30:25 31:3 77:25 88:5,8,12 97:12 108:8,10 110:1,2 121:8 123:4 124:1 127:24 133:17,18 bureaucrat 51:15 bureaus 125:24 126:2 busy 30:17 40:18 181:21 <hr/> C <hr/> C-r-e-a-m-e-r 123:5 Cabinet 249:11 cable 111:17 112:15,17,20 113:7,10 116:4 117:12, 14 118:2 135:5,8,17,19 136:2,3 cabled 115:21 cables 115:13,17,23 116:3,6, 13,14,16,20,22 117:3,7, 10,11,18 118:6,15 134:18,20,22 135:1,14, 15,20 136:7,8,13 153:22 154:1,15,22 155:5,16 calendar 135:5 call 11:12,13 23:3 58:14,16, 19,22,23 59:2,14,15 60:3,7,9,13 96:19
--	--	--	--

JAMES D. NEALON - 08/14/2018

i7

102:17,18,21 124:21,22 138:18 144:21 160:12, 15,22,25 189:10 192:3, 8 193:19 202:8 243:4 244:18,22 270:8,12,14, 17,19,20,24	126:4,5,6 128:1,3 211:17	certain 51:19 56:25 67:24 93:5 115:11,22 116:21 134:20 138:22 144:6 145:23 169:25 181:20 211:4 230:9 234:2 239:24 250:5 258:22 271:19	characterizes 154:17
called 36:17 52:16,17 62:12 84:1 93:17 99:18 132:6 160:5,8 205:10 251:24 261:19 269:20 270:5	careful 224:2,7	certainly 41:1 74:23 79:2 105:14 108:10,20 115:21 170:24 179:4 197:11 199:22 221:25 223:24 224:25 225:1 255:11 272:20	characterizing 155:8 170:9 192:1 209:8
calling 45:15 90:6 119:12 134:1 170:15 188:7 199:17 200:23 223:19 235:16	carefully 12:17	cetera 77:12 227:14,15	charged 118:12
calls 58:10 59:10,24,25 61:4 98:4 102:10 107:17 108:17 109:6,22 110:18 111:22 113:18 114:3,5 121:19 122:3 124:15 136:24 137:25 139:17 141:22 142:17,22,24,25 144:2,11 147:6 148:20 154:3 155:20 156:3,7,9, 11,13,14,20,22 160:14 161:18 169:8 171:7 173:6 175:15,23 177:16 181:17 182:3,10 190:14 191:24 194:3 210:10 215:13 217:17 218:3,4, 16 219:13 220:10 221:8,11 237:20 244:19 250:2 253:17 254:11 258:25 260:6 271:2	Carl 233:19,22	chain 66:24 92:17 189:1 192:21,24 193:10 229:19 234:17,22 236:3,16,18 237:17 240:7 243:22 244:16 249:10,20,21 251:8 253:15,21 254:19 255:3 256:6 264:10	chargee 93:21
campaign 216:11	carries 109:9,15	chains 41:1	chargé 33:19 112:10,14 113:16
can't 26:24 58:17 67:24 74:13 165:6 166:24 219:16 260:1 261:24	carry 133:12	challenge 17:14	check 85:16 130:17 131:4 141:2
Canada 22:16 23:17 32:23	case 10:11 11:19 19:21 28:3 31:4 49:4 69:4 86:20 95:22,23 96:14 97:4 102:16 106:3 111:16 120:23 121:9 133:17 154:1 168:12 220:17	chance 81:20 182:23	checked 255:6
cancellation 86:21 87:1 214:14 216:16,17	Cassidy 230:20,21 231:5	chances 53:1,3 62:25 249:2	checkerboard 212:7
capacity 72:9 109:2 185:14	cast 43:15	characterization 155:11 210:22	checking 131:11 255:7
career 26:22 100:10 124:6,7	casting 194:6	characterize 147:17 156:2 191:17 195:12,19 199:3,6	cheese 64:11
	categories 238:13	children 205:13	chief 24:20,24 32:21 33:10, 18 48:7,8 51:11 52:4,5 58:13 71:3,8,10,11,12, 20,21 76:16,23 77:7 86:11,12,14 105:14 132:12,14 148:11 155:21 156:4 160:3,8, 18 193:2 198:21 224:25 225:4,5 230:6,12 237:6 238:6,7 239:13 261:14, 20 269:12,20
	caveat 176:16 230:7	changes 172:5,11,14,16 173:2,3 221:1,3,4,6,18 223:6 263:2	choose 45:22
	CBP 77:11	changed 150:21 172:21 173:4	Christina 254:20 255:3
	cc 233:20	change 172:5,11,14,16 173:2,3 221:1,3,4,6,18 223:6 263:2	chronologically 261:12
	Center 272:7,15,23	characterization 155:11 210:22	chronology 101:17 102:13 209:17
	Central 18:10,14 24:22 73:21, 24,25 77:25 98:24 99:15 100:23 101:22 103:23 105:9 106:3 107:6 123:22 127:19 158:2,6 179:16 198:6 213:22 227:19,20 258:22 259:9		

JAMES D. NEALON - 08/14/2018

i8

churn 200:15 239:15	clear 14:22 45:19 62:11,22 93:4 115:20 131:16 144:19,24 145:1,11 146:15 158:22,23 159:10,18 162:10 164:22 167:17 176:7 177:7,8 178:6 186:11 189:15 198:9,10 215:1, 2,7,9,20 216:9 223:4, 18,22 224:12 227:3 242:3 252:21 254:16 255:16 256:24 257:13 259:2	70:7 73:14 75:3 76:18 79:2 80:1,8 110:7 126:20 131:22 148:15 180:8 184:9 193:19 256:1	121:12,14,17,24 129:25 130:3 154:19 161:14 171:4 181:2,3,6 186:23 192:24 238:24 246:22 254:21 271:22,23 272:1,6,11,17 273:1
circulated 62:1		comes 28:20 30:20,21 249:2	communications 60:11 61:20,21,22 91:11 106:21 114:8,20, 24 115:3,7,16,17 117:5 118:2,10,11,16 120:2,8, 9,16,24 122:7,9 124:12 126:8,15 128:4,8 129:1, 11,15,20 135:2 137:16 138:7 145:17 154:14,21 156:10 157:2,5,6 164:6 173:23 174:2 185:24 188:19 224:11 225:20 226:8,13 227:5 241:5 246:16 255:20 262:12 273:4,11
circumstances 272:24		comfortable 210:17,18,20	
CIS 38:21		coming 32:18 44:22 45:2 47:2 73:13,16 78:25 79:4 106:20 107:15 146:24 202:22 204:15 249:5	
CIS'S 37:9		command 31:18 32:12 92:17 185:2,10 249:10	
Cissna 38:13 39:21,24 40:5 83:14 207:3 259:22	clearance 61:24 62:8,24 63:3,7, 16,20,24 65:4,16,17 66:1,2,4,7,9 67:12,18, 19,24 84:15,16,17 98:7 108:2 255:18 256:15	Commander 31:18,20 32:2,11,17 185:2	
citizen 205:12	cleared 62:17	Commander's 32:6,9	complete 64:12
citizens 208:10 246:1,5	clearer 199:12	comment 84:15,16 169:25 193:12 215:16 260:15	completely 13:23 72:21 259:2
city 135:10	clearly 220:13	commentary 170:25	complications 211:22
civil 42:18 48:25 49:3 69:2 70:20 195:7	clears 65:24 66:12 84:22	common 25:20	component 71:5 77:10,11 185:15 222:13
Civilian 31:17,20 32:2,17	close 93:24 112:1 114:19 171:14 250:11	communicate 25:10 39:10,12,17,23 40:12,20,22 59:20 91:22 92:13,16 93:9,12 125:2,16 126:24 127:14 173:22	compound 109:7 148:19,20 205:15
Claffey 86:10	closely 235:3	communicated 59:19 91:18,19 92:1 97:2,5,6,7 121:16 122:23 123:3,10 125:21 127:9,20 156:24 159:6 160:21 226:18,21 246:19	compromise 110:8
Claire 55:4,8,9,20	clues 265:24	communicating 25:14,16,17,23 93:15 98:14 127:4 137:6 224:20	computer 113:13
clamoring 96:5	Coast 52:6 185:9 267:16	communication 91:2 98:19 112:3,25 113:3 118:20,25 119:7	con 178:4
clarification 14:21 15:1,5,10 19:10, 23 35:20 87:12,15 202:24 203:11 229:21 254:20,25 255:10,12 257:17	collecting 42:22 43:18		conceivably 173:12
clarify 14:2,18 19:2 25:13 71:7 87:17 163:14 167:8 168:6 180:2 261:2	collegial 250:11		concern 34:22 35:10 85:24 195:13 254:6,7
clarifying 202:17	column 236:23		concerned 50:17 105:23 212:24
clarity 158:25	combination 148:18		concerning 94:14 98:3,20 99:15 102:6 103:23 105:9 106:22 109:5 115:17
classified 74:12	come 25:6,7 30:4 32:16 33:6, 15,24 49:3 60:17 63:17		

JAMES D. NEALON - 08/14/2018

i9

119:22 120:3,11,17 121:1,2 122:24 123:1, 17 124:12 125:5,10,17 126:9,17,18,25 127:1, 15 129:21 154:15,22 156:4,25 160:9 161:15 163:23 172:5 173:19 176:24 177:25 178:16 183:18 184:2 202:2 208:14 226:1,14 228:17 233:9 260:25 262:3 270:9 273:12	Congress 231:3 conjecture 137:11 connect 273:22 connected 16:17 141:10 222:14 273:9 connection 96:14 230:24 231:8 272:12 consequence 114:21 consequences 128:17 168:20 179:10, 12 consequential 105:16 168:9 197:3 consider 24:15 25:19 84:12 95:3, 14 105:22 109:4 169:6 200:4 239:11 consideration 103:10 201:15 220:16 238:10 251:25 252:4 261:7 considerations 18:20 108:16,22 165:17 166:17,18 167:11 168:19,23 169:3 200:3, 5 201:10 considered 97:19 164:25 166:7,19 167:7 195:22 199:22,23 200:8 227:25 238:21 248:5,7 263:18 considering 199:15 consisted 62:15 Consistent 194:17 constructionist 165:11 166:12 199:4 217:12,15,19	constructionists 146:4 Consular 233:23 234:2 consultation 94:9 consultations 186:21 consulted 195:5 consulting 194:7 consumed 46:18 consumer 42:2 consumption 89:1 contact 26:9,14 38:8,10,14 40:24,25 183:17,23 184:1 231:2 272:22 contacts 25:20 containing 135:22 contemplating 169:1 content 145:4 156:19 166:22 174:4 225:24 226:5,7, 13 242:6,11,17 254:12 264:20,25 contents 270:14 context 60:19 95:21 100:17 146:5 148:16 149:14,17 153:8 155:10 157:19 162:1,17 167:6 169:19 183:6,7 184:23 185:18 186:22 188:5 194:1 215:12 216:21 244:5 250:18,19 257:13,14 260:10 263:7 contexts 162:20	continue 143:23 238:12 continues 66:25 67:1 contrary 133:14 convene 30:2 conversation 46:8,10,11 74:1 96:19 98:9,10 100:22 101:11, 12,13,24 102:9,25 103:5 105:19 120:22 121:7 129:23 130:6,8 146:20 148:15 158:11, 12 159:2,4,7,10,17,20, 22 160:18 196:14,15 198:12 223:13 228:14 245:9 conversations 45:12 56:9,15,18 103:13 105:3 106:8,11, 12 121:5 122:5,14,18, 19 124:20 125:6,11 126:17 127:13,17 128:13 137:12,22 138:10,11,15,20 139:3 144:13,17,25 145:5 146:1,2,9,10,11,12,18 147:3 149:15,24 150:2, 5,8,15 151:17,24 158:15 159:14,15 161:20 162:2,4,7,14,18, 21 163:2,3,7,11,15 165:5 166:22 170:7,19, 21,24 171:3 185:22 196:17 205:25 215:25 221:5,12,16,21,24 222:1,4,7,10 223:2,9 224:3,14,17,24 225:14, 16,22,25 240:8 241:13 245:24 246:13 248:1 262:15,18 273:10 convey 160:6 cooperation 24:3 185:3 coordinate 59:17 85:3 232:19 260:15
--	--	---	---

JAMES D. NEALON - 08/14/2018

i10

coordinates 84:22	77:14 87:13 119:6 120:7 126:16 139:8 141:11 164:14,23 166:23 170:11 177:2 178:19 187:11,14 191:25 195:16 196:20 201:18 202:16,19 209:7 213:18 214:7 219:24 229:21 232:13 236:5 241:4 256:21 258:25	28:9,11,20,23 29:2 36:13 37:19,25 41:22 43:3 80:7 118:7 133:9 172:16,20 173:3 177:14,20 181:10 197:16,17,21 199:15 205:11,13 208:6 211:18 213:11 238:9,11 239:11 240:24 252:7,9,23	93:4
coordinating 235:19 237:19			Culver 186:20 187:1,2 190:5
coordination 58:16,19,22 59:10,24 60:3 72:18 259:24			Culwell 236:1 237:1
copied 116:1 233:25		country's 143:21	current 152:18 153:21 155:23 173:14 216:4 219:5,7,8 220:20 235:6 269:22
copies 184:22	counsel's 148:7 193:8 223:15 243:25	couple 39:19 52:6,18 56:19 70:3 71:4 76:17 138:25 140:22 147:12 168:13 203:8 205:8 229:13 234:18,23 238:23 251:19 260:21 266:10	currently 27:2 110:12 232:1
copy 112:23 113:13 117:11, 13 136:3 256:12 261:17,21,24 269:10	counsellor 51:8 52:11 57:1,21 71:22 150:24 151:7,9, 22 152:3 230:15 232:8 268:15,22,25	course 15:20 29:1 42:6 51:10 153:19 165:12 224:9	cycle 40:16,21
copying 186:20	counsellors 51:8 52:3,10,14,17 56:20 71:24 148:9 150:9,14,16,18,20 151:12,25 266:15,24 267:2	court 10:4,5,24 12:9,25 13:9 114:11 125:8 126:21 201:22 232:19 242:16 271:10	<hr/> D <hr/>
cordial 103:14	counselor 34:3,10 150:11	courtroom 12:6	d'affaires 112:11,14 113:16
correct 19:1,6 39:14 55:17 87:5,9 118:4 133:3 135:9 140:24 141:1,2 143:13 165:1 167:1,2 173:1 184:1 189:11 190:6 193:11 207:10 232:9 240:10,11 245:1 246:17	counselors 267:4	cover 76:9 134:8 152:3 153:2 228:4	D.C. 22:2
correctly 18:6 99:16 164:22 178:8	counter 204:18	covered 153:2 154:6 182:21 183:15 231:12	D1 67:15,16
corridor 56:17	counterpart 92:13	crafting 123:15	DACA 11:19 24:10 216:16
COS 238:4	counterterrorism 266:20 268:6	Creamer 123:5,14,21 124:5,12 125:22 126:10,18	Dana 10:4
couldn't 41:6 49:7 84:9 106:17 181:25 211:2	countries 18:10,14 22:16 23:17, 23,24,25 24:2,21 32:13 43:4,8 45:9 48:22 50:19 68:24 73:25 75:13 88:15,16,17,18 110:12 122:13,21 127:7 135:21 139:10 140:4 170:1 173:25 174:5,24 176:25 177:22 178:1,17,19,22 179:1,15 180:5 182:8 198:5 205:6,15 207:13, 22 208:4 243:6,9 258:22 259:9	created 128:21 219:6	data 246:25 247:3,10,15
Council 89:14,15,19,21 90:17 91:7,12,16,19,24 92:12 139:24 140:6,9,13,16, 20 141:5,8,9,18 142:1, 13 183:19 188:3,13,17 260:19	country 18:13,15,16,23 19:4	creation 30:22	date 10:5 11:21 135:7 159:24 236:8 263:3,7, 12,13,19 265:8
counsel 10:13 15:1 37:1 54:5,8, 10,13,21 64:15 71:25		Crista 10:10	dated 64:4 134:3,25 157:21, 25 180:16 194:13 202:20 209:19 243:15
		critical 237:25	dates 31:23 183:11 192:16 244:1
		crystal	David 267:25 273:15
			day 15:20 22:13 30:16,20 35:23 40:19,20 72:22 73:4 190:10 248:25
			day-to-day

JAMES D. NEALON - 08/14/2018

i11

23:15	68:12,22 80:25 110:13	99:14 253:6	21 97:3,10 98:2 99:2,25
days	112:6 140:1 141:19	delayed	100:13,18 102:5,14,23
29:6 94:23 196:18	142:14 162:25 199:21	103:22	103:7,14,18 104:3,8,21
204:4,5	258:15	delegates	106:9,18,22,24 107:9,
deadline	decisions	249:24	12,15,23 108:3,5,8,15,
94:24 104:4 119:3	29:6 36:11 44:18 46:17	deliberate	22 109:3,10,19 110:2,9,
deadlines	47:10 48:21 49:9 50:3	45:17 223:4	21 114:18,22 115:1,5
39:16,22 53:25 54:1	51:6,12 59:17 63:5	deliberately	116:6,16,22 117:3,7,17
265:8	89:25 90:4 91:8,18	139:8	120:11,25 121:13,24
dealing	92:6,11 93:13,16	deliberations	122:5,8,20,24 123:16
35:12 164:19	105:17 131:6,14,18	45:16 46:5,15 90:7	124:6,7,9,24 125:24
deals	165:24,25 167:14 180:9	111:22 113:19,24 114:6	127:4,9,15,18 130:1
50:19 83:10	188:14,15 194:6 202:2	119:13 121:19 122:3	133:2,6,13,23 135:2,22
debate	207:13,17 209:17 212:1	124:16,19 125:12	136:6,12,17 137:2,4,7,
146:22 199:2 213:10	217:21,24 218:21 231:3	129:15 134:1 138:1,18	13,17 138:12,21 139:1,
decided	238:17,20 239:1 249:2	139:17 141:22 142:4,22	9 140:1 141:19 142:15
26:20 210:7,8	259:11 263:22 265:8	143:1,3 144:11 154:4,	151:4,13 152:19 153:21
decision	decreasing	10,11,25 158:17 160:15	154:14,22 161:14 172:4
18:21 36:19,20 37:5,14	43:12	161:18 162:3 165:23,24	173:23 174:3,6,13
42:10,11 46:9 47:2	DED	167:4,24 174:13	175:2,13,16,21 176:14,
49:13,16,24 50:1,15	260:4,5,8,10	175:16,25 176:13	24 177:13 179:6 182:7,
53:2,8,15,16,24 54:3	deep	188:8,10 200:24 201:4,	13 185:13,15,21 187:9
59:18,19 60:19,21,24	77:6 79:16 238:10	16,25 202:2 221:9,13	188:2 197:10 200:19
61:3,11,15 68:7,11	239:12	223:20 242:23,25 243:2	201:7 203:3 204:23
69:16,20,25 70:4 73:21,	deeply	262:11 271:3	210:7,9 214:20,23
24 75:21 80:5 81:15	213:5,12 249:9	deliberative	228:16 233:12 235:9
90:2,12,15 92:7,15,16	defendant	45:25 46:12 90:21	244:25 247:4,18 249:15
94:7 95:4,15 96:7,18	10:20,21,23	111:24 112:1 113:20,24	253:7 260:11 265:17
100:21,24 101:15 103:3	Defense	114:2 119:5 121:21	266:9 267:20 269:17
104:5 105:21 108:6,24	185:14,15,22 187:9	122:2 124:21 125:7,12	271:13,16
112:12 119:4 120:19	267:21	126:11 130:10 137:13,	department's
124:25 128:14,15,17	defensible	19,22 138:6 139:20	29:10 60:11 62:19
131:19,20 132:2,11	221:3	145:3 154:6 164:4	97:16 103:8 105:8,24
145:20,24 147:24	defer	166:24 167:3,9 177:3	106:14 120:3 121:2
159:21 160:1,20 162:23	153:11	202:5 242:14 270:16	122:25 123:11,19
163:17,18 167:5,7,12,	deferred	271:11	125:18 126:19,25
19 168:4,9 169:1	250:7	delivered	127:11 183:12 237:16
173:10 190:18 192:19	define	198:18	255:15
194:9 196:24 197:4	162:9	Democratic	departments
200:13,16 202:22	definitely	136:15 139:22	59:21
204:16 206:11,17 207:7	15:23 35:5,9	department	departure
208:23 209:2,14 210:1	definition	17:8 18:23 19:4 22:15	112:9
211:19 212:1,25 227:9	28:18,19 29:25 76:22	25:16 26:4 28:22 29:12,	depend
235:7 238:8,22 246:9	124:21 148:25 149:5,11	21 30:6 36:5,18 40:14,	54:2
249:17 251:20 252:6,	degree	23 42:7 62:2,11,18,20	depended
17,20 253:3,9,20 257:9	109:1	63:10,11,14,15,18	72:21 117:4
258:19,21 259:10	delay	65:11 69:3,6 72:13	depending
262:3,9,19,23 265:21		79:25 80:6 81:7,25	69:24 126:21 191:10
270:2 271:11		86:17 87:19 88:6,9,14	242:6
decision-making		89:4 94:1,3,6,11,18	deportation
47:4,13 49:12,20 53:13		95:12,24 96:9,10,12,13,	241:20

JAMES D. NEALON - 08/14/2018

i12

deportations 241:21	41:22 68:8 139:15 143:21 151:14 202:22 208:23 260:4	58:1,16,18,22,25 59:9, 10 60:3 61:2,15 62:12 63:22 66:2 68:9,11,14, 21 69:9,10,23 70:1,22 71:10,12,19 72:7,17 74:22 76:4,16 77:4,7, 12,17 79:24 82:1 84:21 85:2,10,13,14,24 86:9 94:10,12 95:18,19 105:7 109:3 110:16 116:19 117:8 127:8 128:18 129:8 131:5,13 133:21 136:17 137:6 140:2,12 141:16,20 142:11,15 143:17,25 144:1,5,7 145:18 146:3, 23 147:19 151:12,21 155:20 156:4 160:4 161:13 162:13 163:4,21 164:18,25 166:8,19 170:8,22 171:20 172:3 177:13 179:5 180:23 198:25 210:2 216:21 217:16 221:5,17 222:23 224:1,25 225:4 229:13 230:8 231:5,22 233:3 235:11 237:18 240:9 246:12,22 254:7 255:17 258:17,19,21 261:21 262:8,15 264:3 267:11 268:19,20 269:12 271:21,25 272:5,10,17 273:5,11	DHS_RFPD_ 00000040 206:22 DHS_RFPD_ 00000953 228:24 DHS_RFPD_ 00001071 256:4 didn't 38:20 48:18 49:10 61:8 72:2 78:20 81:22 110:3 114:17 145:9 152:3 156:12 186:16 187:20 188:25 189:16 193:20 197:18 200:12,16 204:22,23 210:16,18,20 212:9,11 218:14 233:4 249:12 270:18 different 14:5 47:14,15,16 49:18 63:12 66:1 72:7 75:10, 17 76:24 81:10 89:18 109:12 116:17 197:14 208:7,11 219:15,19 220:4,6,18 224:10 236:8 244:2,7 259:11 264:18,19,20,25 268:13 differentiate 22:11 23:8 164:9 191:9 differently 75:16 179:19 difficult 13:9 22:6 96:17 100:20 108:19 121:4 147:10 211:20 212:14 221:24 240:17 261:11 265:14 difficulty 155:10 diligence 37:18 dinner 228:5 diplomatic 134:18,22 diplomats 25:19 109:4 118:12 dire
deposed 11:15,18,19,22	designations 136:18 139:12 140:3		
deposition 10:9 12:1 13:7 15:14,16 16:17,20 17:21 20:12 45:24 171:17 173:24 186:3 224:10	desk 99:23		
deputy 18:7 19:12,13 30:5 31:17,20 32:2,17,21 33:10,18 40:10 48:8 52:3,5,13,15,19 54:24 55:1,3,5,8,9,20 56:20 57:1,15,21 71:21,22 82:4,6,8,12 86:14 94:13 95:18 104:13,16,21 105:1,4 110:5 119:22 120:17 121:7 123:3,6, 21 127:23 148:11 174:9,17 177:20 230:6, 12,15 232:8 268:16,23, 25	detail 166:24 201:19 226:11 239:22 244:3		
describe 22:7 23:1,7,10 24:5 28:6 44:14 47:12 48:9, 16 62:14 68:10,16,17 73:18 98:19 103:25 124:11 126:7 156:18 163:16 193:25 195:24 207:5	details 125:5,10 126:17		
described 46:16 48:12 52:4 57:12 67:19 68:5 69:19 76:14, 15,21 77:16 81:3,13 84:17 95:10 96:8 98:9 105:7 107:4 108:6 109:1 129:1 158:12 170:20 194:4 196:24 199:20 239:10	determination 36:15 42:14 45:13 46:20,23 48:16 50:9 53:1 57:9 94:22 96:15 98:12,17,22 105:25 119:23 123:11 125:19 126:9 127:16 176:25 185:25 204:10,11 209:3,11 253:4 260:22 261:1 270:25	DHS-001-000515 240:4	
describing 23:8 42:21 49:8 56:10, 14 63:4 65:18 68:1 75:20 79:22 91:6 102:18 103:21 104:5 105:10 117:16 139:4	determinations 24:16 43:19,25 44:16 54:8 94:2,4,15 107:16 115:19 122:6 142:16 177:15 185:16,23 200:8 230:25 266:18 267:13 269:3 271:14	DHS-001-659-000035 82:22	
designated 29:3 36:13 41:23 78:23 110:12	determine 13:18 191:14 237:23 238:12	DHS-001-659-000459 86:1	
designation	determined 59:1 63:25 136:15 139:23	DHS-001-659-000607 182:17	
	devastating 217:8	DHS-001-659-000630 58:5	
	DH 191:13	DHS-001-659-000660 251:4	
	DHS 18:9 19:15 20:9 22:17 23:4 26:15 27:6,7,9,16 35:15,24 36:3,8,21,24 37:6,7,15 38:4,8,11 39:1,5 41:12,15,19,21 44:2,3,10,17 45:3 49:20 50:8,9,16 51:22,24,25 53:9,13,15,20,22,24 54:4,14,23,24 55:10,23 56:3,6,11,13,20 57:17	DHS-001-659-000689 188:23	
		DHS-001-659-000856 264:7	
		DHS-RFPD-00000986 231:18	

JAMES D. NEALON - 08/14/2018

i13

98:25 103:24 104:1,2,6	45:7 50:7 265:15	152:24 153:1,4,5,9,13, 15,17 164:14 182:21 186:11 192:1 193:23,25 202:20 206:1 207:5 231:13,15,21 235:5 237:11 251:23 252:1,3, 5 254:24 257:18	124:4 127:3 128:23 130:13 132:20 136:4 140:20 141:12 146:20, 22 147:15 149:23 150:7 151:9,15 153:3 156:12 159:8,24 160:23 161:1 164:12,16 167:13,20,22 170:23 171:9 172:9,10, 12,23,25 173:16 176:7 178:5 179:25 180:4,15 181:3 183:10 184:15,18 186:1,4,5,25 187:20,21, 25 189:7,13 195:23 196:13 198:17,18,21 203:5,15,18,21 204:14 206:4,18,21 207:16 208:8,16,19 209:16 210:3 211:11 215:4,25 216:6,22 217:21 221:2, 23 222:5,11,20 224:8, 23 225:18,21 227:6 230:16,19 232:2,12 233:18,25 234:16,23 237:3,25 240:20,25 244:21,22,23 246:22 248:6 249:14 252:2,20, 22,25 254:17 255:23 257:7,25 259:16,19 260:8 262:21 263:8,10 264:3,6,21 265:13 268:16 269:1,4 270:22 272:4,9,13,24,25 273:7
direct 53:19 111:1 142:9 146:9 159:5 171:18 176:19 191:19 215:25 224:23 225:21 245:23 248:17	discussion 36:10 46:10 74:12 77:6 79:13,16 93:25 109:13, 18,20 179:4,5 205:6 208:3,19,20 229:5 238:9 251:16 260:9 262:7	documentation 131:11	DOD 187:7,8
directed 116:7	discussions 45:9 120:20 146:17 167:14 205:5 211:24,25 248:25 254:12 263:21 267:23	documents 18:2,5 19:20 20:1,4,5 49:5 61:25 62:12 63:2, 5,19,23 64:13 228:15, 20 244:6 246:3 264:20	doesn't 14:14,25 167:9 186:13 187:20 234:11 238:22 249:15 255:1,11
directing 249:1	displeasure 96:22	DOD 187:7,8	doing 30:18 43:21 76:6 77:1 87:21 212:21 245:19 246:7
direction 249:5	disregarded 139:8	domestic 139:23 140:6,8,13,15, 19 141:5,8,9,10,17 142:1,13 168:22 169:2, 4 187:11 188:3,13,17 260:19	DOS 110:13
directly 42:6,20,25 46:19 48:14 90:10 91:25 113:1,3 114:24 120:10 127:4 132:10 147:23 198:20 219:4 222:18,21 223:2 224:4,15	disseminated 198:25	don't 11:20 12:17 15:4 16:4 19:16 25:7 29:16 31:4, 23 32:18 34:24,25 37:8, 20,21 38:15 40:15 41:13,16 43:20,21 44:18,20 45:10 47:1,3 48:11 52:16,22,24 53:19,21 55:25 57:3 59:2,3,11 61:8,9 63:21 65:1 67:11 70:12,14 74:18 75:23 76:5 80:2 81:11 82:19,24 83:8,21 85:9,21 89:23 91:3 93:2,4,14 97:4,25 100:1 101:9,17,23 102:12 103:2,13 104:25 106:1, 11,15,16,20 107:8,19 112:10,15,21,23 113:12 115:2 116:15,25 118:9, 21 119:17,18,19 120:21 121:9,15 123:13,18	Dougherty 84:5 186:20 190:2,3 256:10
director 37:6 38:3,4,7,13 40:8, 11 42:8 53:9,14,23 67:17 77:23 82:5,6 92:23 207:3 241:7 258:18 259:8	dissemination 229:7	does't 14:14,25 167:9 186:13 187:20 234:11 238:22 249:15 255:1,11	downrange 26:6
directorates 67:14	dissenting 175:2,13,21 176:6,8,9, 21,23 177:10	doing 30:18 43:21 76:6 77:1 87:21 212:21 245:19 246:7	DPC 187:7,10 260:14,18
disagreed 227:9	dissipate 218:12	domestic 139:23 140:6,8,13,15, 19 141:5,8,9,10,17 142:1,13 168:22 169:2, 4 187:11 188:3,13,17 260:19	drafted 124:3 181:10
disagreement 202:4 215:5	dissipated 218:12	don't 11:20 12:17 15:4 16:4 19:16 25:7 29:16 31:4, 23 32:18 34:24,25 37:8, 20,21 38:15 40:15 41:13,16 43:20,21 44:18,20 45:10 47:1,3 48:11 52:16,22,24 53:19,21 55:25 57:3 59:2,3,11 61:8,9 63:21 65:1 67:11 70:12,14 74:18 75:23 76:5 80:2 81:11 82:19,24 83:8,21 85:9,21 89:23 91:3 93:2,4,14 97:4,25 100:1 101:9,17,23 102:12 103:2,13 104:25 106:1, 11,15,16,20 107:8,19 112:10,15,21,23 113:12 115:2 116:15,25 118:9, 21 119:17,18,19 120:21 121:9,15 123:13,18	drafting 36:19 123:19 124:1
disclosing 114:2	distinct 50:2	domestic 139:23 140:6,8,13,15, 19 141:5,8,9,10,17 142:1,13 168:22 169:2, 4 187:11 188:3,13,17 260:19	drama 106:1 107:4
discuss 41:3 56:1 124:22,23 138:12 167:18 241:4 265:1,23	distinction 219:7	doing 30:18 43:21 76:6 77:1 87:21 212:21 245:19 246:7	draw 119:5 254:13
discussed 38:23 50:5 54:19 55:25 56:8 57:12 81:9 94:21 141:11,13 147:1,20,21, 25 151:1 152:6 167:12 170:16 173:24 216:20 236:23 253:5 267:1	distinguish 22:18	domestic 139:23 140:6,8,13,15, 19 141:5,8,9,10,17 142:1,13 168:22 169:2, 4 187:11 188:3,13,17 260:19	drawing 202:5
discusses 239:4	distinguishing 122:7	don't 11:20 12:17 15:4 16:4 19:16 25:7 29:16 31:4, 23 32:18 34:24,25 37:8, 20,21 38:15 40:15 41:13,16 43:20,21 44:18,20 45:10 47:1,3 48:11 52:16,22,24 53:19,21 55:25 57:3 59:2,3,11 61:8,9 63:21 65:1 67:11 70:12,14 74:18 75:23 76:5 80:2 81:11 82:19,24 83:8,21 85:9,21 89:23 91:3 93:2,4,14 97:4,25 100:1 101:9,17,23 102:12 103:2,13 104:25 106:1, 11,15,16,20 107:8,19 112:10,15,21,23 113:12 115:2 116:15,25 118:9, 21 119:17,18,19 120:21 121:9,15 123:13,18	
discussing	distributed 202:23	document 51:16 58:7 62:17,22 63:1 64:2,8 67:1 68:1,5 82:21 85:22,25 90:24	
	dive 238:10 239:12		
	do?' 158:10		

JAMES D. NEALON - 08/14/2018

i14

drive 227:23	10 193:10 229:5,18 230:3 233:8,11,14,21 234:14,21 235:25 236:3 237:11,17 238:2,14 239:3,6 243:15,18,20, 21 244:3,4,10,11,14,16 245:10 249:20,21 251:8 253:15,21,25 254:1,18 256:2,6,8,10,16 257:2 259:21 260:1 264:9	ego 132:14	117:18 118:9,12,16 135:5 153:22 154:1,15, 22 155:5
driven 54:1 190:17 270:3		either 34:23 86:5 107:25 118:1 136:3 142:9 168:23 172:1 177:12 186:5 192:2,8 230:14 241:23 268:15	emerged 99:11,22
due 37:18 54:3 84:14			Emilou 10:15
Duke 18:11 46:17 47:15,21 48:12 49:15 55:3,13,19 74:6 75:21 105:19 106:4 107:7 120:3,17, 22 148:16 149:1,4,13, 25 150:1 158:2,6,9,15, 19 159:13,21 160:5,9, 13,19 163:8 185:1,5 190:25 194:11 196:6,10 197:24 202:21 204:6,9 205:23 206:19 207:3, 12,20 208:13,21 209:2, 11,13 222:6 269:21 270:1,9,18,21,23	e-mailed 112:22 115:24		employed 27:2
	e-mails 86:6 115:17 116:1,9 118:15 190:9 227:4 244:1 264:15,23 265:5, 9,10	EI 19:7 74:3 75:8,9,12 110:20 111:8,16 113:1, 4,8,11 114:9,15 118:3 122:14,15,22 123:1,11 124:13 127:6 134:18 136:18 173:19 178:21 179:7 195:15 196:12 204:11 205:2 206:3 207:21,25 208:11,15,18 238:21,25 258:4,10 259:24	employee 36:3 104:20 124:6,7 197:3
Duke's 42:1 47:5 49:13 105:10 106:19 191:2 194:4 207:7	earlier 84:17 108:7 199:20 217:13	elaborate 138:8 198:14 210:8 225:24 271:21	ended 27:15 219:5
	earliest 243:21	elaborated 206:16	enforcement 216:13 241:18 243:4
	early 128:19 210:7 261:7 262:4	elaborates 157:6	engage 28:12,16 56:2,5 100:12, 17 110:4
duly 11:2	ears 133:9	Elaine 55:3 158:2,6,15 269:21 270:18	engaged 22:4 38:25 69:11 78:6 81:4,7 91:10 95:18 96:11,12 102:23 103:17 105:4 185:22 222:17,23 223:1 262:18 273:5
duties 23:14 104:23 243:4	easier 243:19	element 191:13 217:24	engagement 54:12,16,20,23 55:22 262:2 273:4
duty 23:15	easily 132:25	elements 26:14,16 32:12 63:12 108:4 162:24 163:16,17 205:9 214:14 218:20	engaging 96:9
dynamic 104:25	East 78:1	Elizabeth 86:13 230:12	ensuing 155:19
D'affaires 33:19	easy 40:6 117:2	embassies 25:18 26:5,6 29:7 110:22 111:8 114:14,20 115:7,16,18 116:8 117:10 123:24 133:22 134:18 135:3,21 139:10,13 172:2	ensure 105:15 140:2 239:17, 18,19
<hr/>			
E	effect 12:4 43:9,12	embassy 28:2,22,24 29:23 30:3, 8,12,16,23 32:23 33:11, 20 34:4,11 35:1 89:9 108:7,25 114:9,24	enter 199:20
e-mail 41:1 56:18 58:8,9,12 59:4,8 64:4,20,22 65:3, 5,9,14,16,19 66:20,23, 24 67:6,9,22 68:6 82:25 84:14,23 87:6,7,22 88:3 90:19 93:24 112:16,18, 20 116:6 118:2 134:3 136:3 171:19,22 180:16 182:5,25 184:17,21,24 186:18 187:5 189:23, 24,25 190:1,20 192:9,	effective 263:2,7,12,19 264:5		entered 35:21 36:7 236:2
	effectively 82:15		entire 153:4 175:24 216:25 234:17 247:1,11
	effects 198:4		entirely 79:14 254:2,8 256:11
	effort 59:16 75:17		entirety 231:21
	efforts 198:13 227:22		

JAMES D. NEALON - 08/14/2018

i15

entities 26:9 50:16 87:23 96:10 108:4 166:8 entitled 259:23 269:11 entity 222:13 Epic 10:5 equally 179:9 equities 63:12 75:13 108:5 242:19,24 243:12 equity 108:24 Eric 267:9,16 escapes 103:2 ESEC 84:15,20 254:23 255:6, 17 especially 105:16 227:11 249:1,17 essentially 14:9 129:2 137:15 217:16 219:19 et 77:11 227:14 et al 10:10,11 ethical 191:12 European 23:25 events 86:19,21,24 193:3 eventually 102:13 124:24 233:22 everybody 40:18 150:23 everybody's 162:11	evidence 61:5 111:5 136:10 144:16 209:8 258:25 261:10 267:15 exact 111:6 209:16 exactly 198:17 208:16 EXAMINATION 11:4 examined 11:3 example 23:18 24:1,22 69:1 70:7 77:24 79:3 80:3 95:23 102:15 110:21 132:4 152:2 168:18 208:8 212:22 272:23 examples 79:21 exception 119:6 132:12 exchange 66:20,23 79:10 185:6 190:5 233:8,11 234:14 257:3 exchanges 56:18 exclusively 91:15 excuse 113:21 162:14 Exec 62:13 85:17 executing 241:21 executive 24:10 62:13,19 63:25 84:20 198:19,24 237:5, 14 exhibit 20:17,18,20 58:4,5,8 64:3,4,9 66:19 82:21,22 85:23 86:1 134:3,6 152:10,11,13 171:11,16 180:16,19 182:17,19 184:12 186:3 188:23	189:4 193:14,15 206:22,25 207:2,18,19 209:19,21,22 228:24 229:1,7 231:14,18 232:14,22 233:6,8 235:25 236:2,11,12,24 240:3,4,6 243:15,19 251:4,7,21,23 253:11 255:24,25 256:4 257:1, 2 259:17,18 261:13,16, 24 262:25 264:7,9,12 269:9 exist 143:23 228:16 existence 154:6,9 existing 218:25 exists 217:10 expansive 199:4 expect 60:2 126:13 192:11 expectation 246:19 expected 129:3,22 130:4 expel 269:13,22 experience 20:9 43:14 47:20 48:5 108:25 109:24 110:10 137:6 142:9,10 172:2 177:11 204:22 213:22 214:18,19,22 215:18 experiences 141:15 expert 62:16 expertise 139:9 215:19 experts 62:21 explain 58:9 98:2 164:15 257:5 264:22	explained 16:1 explanation 97:23 99:13 express 99:13 101:24 102:4 103:7 212:20 214:23 241:25 242:13 expressed 53:4 91:7 97:17 99:16 101:14 105:17 195:1,11 196:4,5 197:8 206:2 242:10 271:19 expressing 96:21 97:22 99:21 expression 97:15 expressions 195:13 196:10 extend 48:23 49:1 120:12,18 209:4,15 269:18 extended 74:25 118:23 199:16 206:2 219:10 242:1 extending 145:21 146:7 168:21,23 198:3 extension 49:4 69:4 94:7 120:1 139:11,14 196:11 243:13 246:10,11 extensively 174:2 extent 37:13 44:15 45:14 46:3, 23 48:10 61:6 63:16 64:22 66:4 68:4 86:4 90:5,8 111:21 113:17, 23 114:5 119:12,14 121:18 122:2 124:14,17 129:14 131:21 133:25 137:25 138:17 139:17 141:21,23 142:3,21,25 144:10,21 147:5,8 152:24 154:2,13 155:2 156:9 157:5 160:14 161:17 164:5,8 165:21 166:1 174:10 175:14
--	--	--	--

JAMES D. NEALON - 08/14/2018

i16

183:21 188:6 192:14 194:2 200:22 201:1,13 221:8,10 223:18 226:4 228:21 229:8 235:15 237:1 242:18,22,23 243:1 254:11 257:6 264:14 270:13,14 271:2	110:5 133:1 138:25 179:9	feeling 128:10,19,22,25 129:6 246:12,18	196:10,14 208:4 213:14,20,24 214:6,16, 25 215:22 216:4,20 225:4 233:14 234:10 236:24 243:21 244:4, 11,15 253:21 255:3 258:6 259:5,15,20 261:6 262:23 263:4 265:1 269:16
external 26:12	fairness 205:10 227:12	feelings 216:10	first-hand 137:3
extremely 248:2	faith-based 48:25 49:3 69:2 70:20 195:6	feels 152:24	firsthand 156:12 197:16 270:19
eyes 133:9	familiar 54:4 136:11 137:1 140:5,8,10	felt 211:1,2 212:10 219:6 270:3	Fishfeld 10:17 189:5
F	familiarity 229:15 259:12	fewer 127:17 148:25 149:11	fist 204:15
	family 216:13	fifth 152:17	fit 172:12 191:14 193:17
face 22:14 186:11	far 16:1 127:17 148:25 149:6	fight 212:8	fits 216:3
faced 168:8	fashion 97:19 102:15 103:9 203:1	figure 228:3 244:5 250:13	fitting 199:8 215:24
faces 23:6	FBI 71:25	fill 57:14	five 22:3 80:12,14 149:4
facilitate 73:5 78:15	February 26:18	final 19:14,16 53:16 143:8 200:13 259:10	flexibility 145:23
fact 27:24 135:20	fed 162:24	finalized 68:7	flexible 146:6 168:15
factored 167:7	federal 65:22,25 66:8,13 187:6, 19 257:11,20	finally 168:22	flexibly 199:24
factors 122:11 167:19 168:2,3, 10 199:7,13,14,20,22 200:7 201:14 205:17 213:9 220:16 227:23	Federation 272:2	fine 81:23 87:12 235:24 243:1	flippant 25:22
facts 61:5 111:4 136:9 144:16 170:10 258:24 261:10 267:14	feed 77:2	finish 44:25 87:14 111:14 189:10,20	FO 85:2,13
fair 34:21 35:3,8 39:13,14 68:15 87:10 91:11 92:4 93:11 117:15 131:12 132:20 133:2 153:10 195:11 209:18 210:21 244:9,17 248:14,18,21 252:22 256:18 260:18 272:2,15	feedback 200:18,19 201:2	finished 13:11 15:14 40:7	focus 238:19
fairly 11:25 77:21 89:10	feeds 29:10	finishing 245:10	focused 266:19
	feel 15:11 46:5 80:23 90:9 124:19 195:23 210:16, 18,20 211:5,8 212:9 219:9 220:3,6 270:11 271:6	firmly 248:13	folks 255:7
	Feeley 209:23	first 11:2 34:21 35:4,8,12 66:24 67:16 73:15 75:6, 21 103:1,16 133:8 134:8,15 142:6 157:7 171:22 183:1 184:17 187:8 189:23 192:20,21	follow 45:24 55:7
			follow-up 111:15 132:21 185:7 242:5 249:20,21

JAMES D. NEALON - 08/14/2018

i17

followed 190:21	forwarded 251:17	full 19:25 152:17 160:2 169:15 253:24	17 126:7 128:7,10,19, 22 129:5,10,12,21 138:8 141:24 148:7,16, 24 149:7,16,19,21 160:13 161:20 163:4 164:23 166:1,2 167:6 168:2,3 184:22 185:12 188:9 216:15 222:3 226:10 241:4 242:24 245:6,23 246:16 247:16 248:2 249:7,8,10 250:9, 10
following 30:22 86:21,25 151:21 155:18 157:12 196:17 240:14 254:3 271:10	foundation 62:5 65:21 67:22 69:13 83:24 92:9 104:18 111:5 117:22 120:6 136:10 172:8,18 177:17 183:8 185:20 186:24 192:1 220:9,21 225:12 247:6 258:11 261:9	fully 211:2	generally 22:8 25:12 29:7 36:1,11 37:13 54:16,17 59:5,24 61:1 70:1 76:17 95:9 97:6,7 98:11 105:12 107:21 109:8,13,17 113:14 123:2 138:19 140:10 141:25 167:19 226:9,12
follows 11:3 60:6 178:14 238:14	foundational 155:8	function 231:6	generated 153:23 154:17
footnotes 143:12	four 17:25 72:15 174:5,24 176:25 177:25 178:17, 19,22 179:1 180:5,9 181:23	functions 192:6	gentleman 51:9 84:4 97:6,8 100:4 127:20 140:23 183:18
force 12:4 205:18	fourth 169:15	fundamental 147:22	geographic 28:1 77:24 133:17
foreign 25:18 26:5 32:6,9 48:22 70:7,16,19 79:4,8,22,23 108:21,23 165:16 166:16 168:20 172:2 195:6 198:1,2	frame 75:18 256:9 265:7	further 19:23 34:19 36:21 49:7 74:13 111:14 125:4 126:16 130:7 132:21 177:4 188:19 198:6,12 229:7 255:2 271:9	geographical 24:21 25:3
foreigners 161:10	frames 75:17 247:2,12	future 126:21	getting 67:15 74:3 95:12 105:24 129:14 165:21 205:16,20 235:5 253:7 267:22
form 42:9 111:9,17 112:13 113:7 118:3 196:7 235:23	Francis 38:13 40:5 83:14	FYI 65:4 67:14	Giannini 10:4
formal 30:7 42:5 50:4,5 51:19 54:18 61:25 63:5 69:7 78:23 116:4,5,12,13,15 151:14 174:16 202:1 271:15	frankly 197:13	G	give 12:10 14:19 32:11 40:15 64:7 85:24 90:8 134:5 137:7 148:22 153:1 167:22 184:11 193:14 253:10 259:17 260:1 264:10 267:19 269:10 273:21
formally 62:12 67:12	free 14:25 15:11 46:5 90:9 124:19 270:12	G-I-a-w-e 268:1,2	given 23:1 149:14 172:5 252:9 264:17
former 152:18 153:21 155:23 213:15,21 269:22	freewheeling 78:14	gained 48:3	gives 192:7
forth 24:11 37:19 237:7 239:8 253:19 267:21	frequency 57:3	Gary 92:19,20 184:4	
fortunate 240:1	Friday 183:4	gather 50:2 187:6	
forum 77:6 79:16	friends 130:6	gathering 43:15 123:24	
forward 62:23 63:1 84:14 97:18 99:11 110:9 186:13 192:11 223:10 255:19	FRNS 65:3,6,22	gathers 49:15	
	front 51:13,18,22,24,25 52:9, 25 53:20 54:2 58:25 61:9,10 85:14 97:24 99:19 193:4	geared 70:10	
	frustration 97:17 102:1 160:6	Gene 51:10 249:23 250:1,5, 11 253:23 267:5	
		general 32:3 37:16 44:6 45:8 47:24 54:5,8,9,10,13,21 75:11 77:14 89:24 90:8 92:5 94:2,5 95:21 100:16 119:15 124:11,	

JAMES D. NEALON - 08/14/2018

i18

giving 16:9,13 23:4 50:16	143:19	grouped 179:1	half 35:24 72:23 192:9
Glawe 267:25 268:2,5	government 21:14 26:12,22 27:3 28:10 45:15 46:4,14 48:6 59:21 62:11 87:24 90:6 93:22 111:22 113:18,23 114:6 116:18 119:13 121:19 122:3 124:15,18 129:14 134:2 139:19 140:11 141:22 142:4,22 143:1,3 144:11 154:3,10,11,24 161:18 162:2 165:22 173:12 188:7 197:2 200:23 201:4,16 202:25 212:4,19,22 221:9 244:6 245:17 246:17,20 248:5 271:3	groups 48:25 49:4 69:2 70:20 195:6	Hamilton 51:10 52:11 56:2,6,11, 15 150:12,13,24 151:3, 8,12 186:20 190:9 225:1,20 226:14,18,21 250:5,8,11 253:23 254:3 267:5
go 11:25 20:23 24:15 34:19 35:15 36:10 49:7 50:1 57:14 63:2 65:24 66:9,13 74:13 90:9 108:2 110:9 122:11 133:8 153:16 161:3,8 163:1,17,18 169:14 174:11 175:4 189:7 202:9 207:18 208:24 210:5 211:6,12 216:8 222:15 223:10 230:1 237:10 241:1 245:8 249:19 253:12 254:18 256:17,19 259:19 263:5 273:23	governmental 21:13 22:9 175:15,24	Guard 52:6 185:9 267:16	Hamilton's 151:21 254:21
goes 51:16 57:15 145:21 147:22 162:23 239:3 252:6 257:10	governments 70:16,19 79:22,24 195:6	Guatemala 259:24	handle 79:6
going 11:25 12:15,20 13:18 20:15 23:8 27:8 50:24 59:5,19 62:4 66:18,21, 23 68:9 72:21 73:3,12 76:25 82:20 103:9 117:21 119:9,10 125:14 128:11,20 131:11 133:8,11,12,13 134:10 138:6 143:5 152:14 153:14 157:16 189:20 193:14,16 194:24 205:14 209:6 224:7 229:25 231:20 242:4 243:8 246:4,13 248:9 253:10 255:24 257:3 259:17 261:16,23 262:6 264:24 269:8,24 271:17	Grady 55:4,8,9,20,22	guess 142:6 143:11 175:8 185:18 194:13 259:2	handles 237:15
good 10:2 23:16 27:22 80:12, 13 197:1 202:7 207:23 250:14	granted 217:7	guessing 183:10	handling 268:6
gotten 97:20,23 239:22	grantees 198:7	guidance 36:7 88:22,24,25 89:3 163:22 164:3,6,10 238:4 239:13	hands 145:22 218:23 219:6,9
governed 229:4	granular 37:8,21 47:19 185:11	guy 77:25 78:1 212:6 249:9	hands-on 43:24
governing	granularity 53:21	guys 254:22	happen 117:9 190:10
	grateful 266:5	H	happened 146:12 154:19 157:2 159:22,25 171:3 180:13 200:17
	great 21:11 23:24 80:10 135:13 152:9 184:18 266:4	H-e-n-s-h-a-w 97:8	happens 37:14 63:14 190:22
	greater 41:18 77:4	hadn't 98:7 99:11,22	happy 12:19
	ground 12:1 133:9,23	Haiti 18:10 45:7,13 46:9 86:22 89:9,22 92:7 93:18,22 118:16 127:13,18 128:11,20 129:3,7,22,24 130:4 134:19 136:19 158:3,7 173:20 178:21 179:23 185:3,16,25 239:5 245:11,19 246:6 259:24 267:24	hard 64:12 94:24 106:25 112:23 113:13 132:8 198:11 240:21
	grounds 13:25 17:13 164:8 170:17 270:16	Haiti's 68:8 127:16	hard-working 197:2
	group 58:21 180:5	Haitian 79:8 93:19,22 245:17 246:17,19 248:5 251:15	Hardliner 155:20
		Haitians 69:1 245:24 247:20 248:3,9	hatching 265:4
			haven't 216:1 234:16
			he'll 14:12

JAMES D. NEALON - 08/14/2018

i19

he's 19:3 82:8,11,15 100:11 124:7,8 127:23 128:1 144:17,20 145:2,8 153:7,12 154:13,20,21 158:14 160:12 176:10 185:9 215:7 216:12 233:25 249:13 250:5	124:1 Hemispheres 31:3 Henshaw 97:8 98:10,15,20 99:4 101:12,13,14,20 125:22 126:3,10,18 Henshaw's 97:9 99:7 here's 79:9 hesitate 39:6 hesitating 74:23 75:2 hey 79:7 Higgins 38:14 40:13 high 28:18 30:11 41:20 76:22 110:5 133:1 higher 39:15,21 40:13 47:24 hint 25:21 history 172:12 Hoffman 86:8 hold 15:21 31:15 32:20,24 33:22 34:1,9,14,17 45:23 126:16 137:18 260:23 262:24 holdup 102:5 Homan 241:5,6,7,23 home 228:4 homeland 17:8 21:15 29:5 63:11 65:12 94:8,21,25 95:2, 25 96:4,10,22 99:2 101:25 103:7,10 104:3	114:19 115:5 123:16 125:2 128:10 136:6,12, 17 149:19,22 158:1,5 161:14 168:8 188:2 203:3 228:16 233:13 249:15 269:17 270:4 Honduran 79:4 Hondurans 30:15 69:1 132:6 269:13,19 Honduras 27:9,11,12 28:14 29:14, 22 30:11,14 31:7,17 35:1,11,13 74:4,19,21 75:6,9,12,22 110:20 111:2,8,20 112:5,6 113:16 114:9,14 118:3 122:15 125:15,19,20 126:10,20 127:6 128:11 134:19 136:19 172:3 173:20 177:12 178:21 179:7 195:14 196:12 197:16,23 200:6,14,20, 21,25 201:8 204:11 205:1,3 206:3 207:21, 25 208:11,14,18 209:3, 14 210:2 212:25 213:6 214:2 217:9 218:10 219:3,10 220:17 238:18 258:4,10 259:25 260:22 261:1,5,6 262:3,9,20,23 270:10,25 honest 172:9 211:9 215:1,3 honestly 29:16 198:17 200:12 207:16 216:6 Hook 100:5,9 101:1 hope 132:19 hopefully 202:8 220:13 228:5 host 22:16 hour 72:23 79:20 192:10 hours 16:9,13 18:1	House 44:6 48:8 89:16,24 90:3 91:7,11,18,21 139:23 140:5 141:17 142:13 157:16 160:3,7 169:11, 16,22 183:18 184:2 203:5,6,14,17,20,22,24 222:12,13,16,17,21,23, 25 223:25 224:11,13,16 248:15 249:6,12 260:19,25 261:5,14,20 262:2,8,15,18 269:11, 20 270:4,24 huh-uh 13:2 human 32:14 34:15 humanitarian 205:10 hundreds 212:5 Hungary 34:11 Hurricane 217:8 218:11 219:4 220:18 <hr/> I <hr/> I'd 40:5 87:13 122:1 143:9 180:2 209:8 237:22 I'll 13:10 46:13 64:7 76:9 85:16,23,24 111:14 134:5 153:17 157:13 167:2 171:18 201:21 202:3 211:8 220:12 221:9 233:9 253:1 257:17 264:10,13 269:10 I'm 11:25 12:15,20 18:18 23:8 27:4 38:1 46:6 51:6,19 53:11 55:5 56:17,25 57:10 58:2,14, 15 62:16 66:18,21,23 67:2 68:6,9 71:10 73:12 74:13,23 75:2 76:20 77:5 78:20 87:21,23
--	--	--	---

JAMES D. NEALON - 08/14/2018

i20

<p>93:10 94:24 104:5 108:13 119:9,10 125:14 128:11 132:8 136:11 137:1 140:10 142:20 143:5 146:15 150:16 152:14,20 153:14 155:15 157:10 159:2 165:2,3,16 167:20 170:5 173:1 174:19 178:4 183:10,19 189:20 193:14 198:10 209:21 212:5,14 219:16 220:3 223:4,10 224:5,7 229:25 230:9 231:20 234:2,8 242:4 243:18 244:2,4 245:12 246:18 247:7 251:23 253:10 254:10,14 255:5,7,24 257:3 259:2,7,17 261:16,23 262:5 264:12,24 265:23 266:5 267:8 268:21 269:24 271:15,17</p> <p>I've 15:25 81:13 107:4 138:24 147:12 180:19 196:24 207:1 212:21 223:24 251:7 262:14 266:7</p> <p>I-m-m 85:6</p> <p>ICE 77:11 241:7,8,12,15,17, 20,23,24 242:10,13,19 243:12</p> <p>ICE'S 242:17,24 243:3</p> <p>idea 189:9 265:4</p> <p>identification 20:22 58:6 64:6 82:23 86:2 134:4 152:12 180:18 182:18 184:13 188:24 206:23 209:20 228:25 231:19 233:7 236:1 240:5 243:17 251:5,22 256:5 261:15 264:8</p> <p>identified 19:20 81:16 101:13 135:15 150:10 166:15 199:7,8,13 202:17</p>	<p>203:2 215:20,23 230:4 232:1,7 234:5,10 236:10 267:10</p> <p>identifies 14:3 83:4 134:19 135:10 145:14 190:3</p> <p>identify 14:11 88:2 129:17 131:7 134:24 135:18 136:22 146:8 148:13 166:23 206:24 229:17 230:5 237:18 266:12</p> <p>imagine 33:2 39:9 41:18 72:2 91:4 109:2 119:5 153:4 166:21 192:21 211:18 215:25 255:25</p> <p>IMM 85:1,6</p> <p>immediately 27:6,8 75:1 194:16</p> <p>immigrants 169:25</p> <p>immigration 51:9 52:13,20 83:4,5, 10,17,22 84:2,3,7,12 85:11 150:12 151:11,18 152:4,5 155:19 156:1 161:5,9 187:3 188:15 213:10 214:15 215:4, 10,22 216:19 233:9,15 234:5,14 236:10 249:25 250:8 271:19 272:2,7, 15,19,23 273:12</p> <p>imminent 59:18 129:6</p> <p>impact 243:11</p> <p>imperfect 82:7 177:18 223:23</p> <p>implicate 46:4</p> <p>implications 43:6,7 75:15 128:14 165:13,14,18 166:13, 15,16 198:1,3</p> <p>importance 179:6</p>	<p>important 13:1 23:11,14,15,16,19 24:5,7 30:14 63:15 105:21 124:25 125:23 179:10,17 193:1 199:25 200:2,4,5 206:10 217:23 220:23 227:10, 16,17</p> <p>impossible 256:22</p> <p>impression 40:16 248:1</p> <p>improved 158:3,7</p> <p>inbox 112:21</p> <p>include 89:1 195:12 207:22 214:19 238:25</p> <p>included 35:25 59:5 61:1 66:22 86:7 88:23 179:23 194:21 196:16 201:11 207:14,20 229:18 252:5</p> <p>includes 66:21 169:23 227:3 252:7</p> <p>including 15:10 36:18 139:18 154:9 175:17 187:7 188:15</p> <p>incorrectly 236:7</p> <p>increasing 43:12</p> <p>indicate 65:9</p> <p>indirect 142:10</p> <p>indirectly 48:14 114:25 222:18 224:16</p> <p>individual 29:2 37:25 56:9 92:11 238:9</p> <p>individually 239:12</p>	<p>individuals 138:19,22</p> <p>influence 139:24,25 141:18 142:14</p> <p>info 260:4</p> <p>inform 197:23 206:17 212:1</p> <p>informal 69:6 86:18</p> <p>informality 12:2</p> <p>information 15:8,9 16:14 17:10 24:1 26:2 34:16 42:2,13,20, 22,24 43:16,19 44:12 46:18,19 48:13 49:16 50:2,6 60:22 74:3,10, 15,16 79:11,14,15 92:5 98:1 105:22 125:1 126:12 141:16 142:10 171:9 177:4 193:1 247:25</p> <p>information-gathering 194:5</p> <p>informed 205:2 270:20</p> <p>initial 258:21</p> <p>initially 21:18 259:7</p> <p>initials 38:21</p> <p>initiated 87:8 121:12,13</p> <p>initiates 36:15</p> <p>initiative 190:23 191:3</p> <p>inner 43:21</p> <p>input 36:18 42:6,9 67:13 94:9,25 95:3 96:5 98:21 99:2 103:9 105:20,24</p>
--	--	--	---

JAMES D. NEALON - 08/14/2018

i21

108:6,7,9,11 109:9 111:7,19 118:22 122:25 123:11,24 124:1 125:25 141:24 185:11,16 187:6 200:14 201:2,6,9,14 206:15 228:22 253:20	intention 227:7	168:14 199:24	215:19 234:22 268:3
inside 171:9	interacted 39:3	interpretation 143:18,25 144:5,14,18 145:12,15,18 146:13,18 150:6 199:9 214:8 217:23 218:14 219:20, 21 220:4,7,10,14,19 221:18 222:19 223:7,8, 11,14,17 224:4 228:17 243:25	irrational 221:3
insight 53:19 200:17	interagency 26:5,16 59:17 69:5 186:21 260:15	interpreted 219:15,19 220:25	isn't 16:7
instance 99:5,14 133:8 177:24 178:15	interest 91:8 105:11 162:11 188:1,16 228:1	interpreting 214:5	issue 30:11 39:15 40:13 44:8 45:3,20 74:1,7 89:2 95:21 96:1,2,3 98:25 99:1 106:16,19 107:9, 10 108:16 114:11 125:8 126:22 145:19,21,25 146:2,23,24 147:21,22 165:11,12 202:3 205:10 222:1 227:12 246:2 248:24
instances 73:12 76:2,5 80:2 102:22 103:17 141:12	interested 43:2,3,5,9 70:17 74:3 89:25 90:4,14 92:14 105:8 205:23 213:5,13 247:19,24 248:8	interrupted 21:2 80:18 111:13 130:23 202:12 228:8 250:25	issued 265:17,22
instruct 14:4,23 45:16 46:13 111:23 113:19 114:4 119:14 121:20 124:16 129:16,18 134:2 138:1, 16,23 139:19 141:23 142:5,23 143:4 144:12 154:4,23 156:10 157:7 158:16 159:16 160:10, 16 161:19 162:3 163:25 164:4,7 165:20,25 167:3 168:1 174:14 175:19,22 188:8,11 200:25 201:5,17 221:9 226:5 242:4,7,21 243:2 254:13 262:9 270:15 271:3	interests 43:8 242:19	interruption 158:4	issues 22:5 23:5,20 28:12,16 52:21 69:25 79:13,17 97:7 114:21 118:13 122:25 126:24 153:2 166:7 174:11 181:23 183:14 184:2 205:17,24 215:22 266:20 268:6,9 272:19 273:12
instructing 14:24 146:15 174:19 176:1 177:3 223:5 254:10,14	interior 216:12 241:17 243:4	introduce 261:16	it's 12:25 13:7,9 14:21 30:19 49:24,25 50:14 62:12 63:14 64:11 66:16 68:13 74:24 76:12 78:20 82:2 83:8 87:3 90:19 95:6,11,20 96:17 100:20 106:25 110:17 115:20,25 121:4 125:23 127:21 141:13 144:4 147:10,22 149:18 152:13 153:3,7 155:11 156:19 159:11 162:24 164:22 165:4 171:13 172:10 179:16 180:24 185:17 186:15 189:8 191:19 198:10,11 199:3 202:22 206:13 207:23 208:1 211:21 213:20 218:5 219:15 220:23 221:3 234:9 235:4 237:25 238:20 239:21 240:21,23 244:22 253:23 254:16 256:17, 22 257:7,12 259:23
instructing 14:24 146:15 174:19 176:1 177:3 223:5 254:10,14	interject 87:11	introduced 207:1 232:18	
instruction 49:2 262:6	internal 26:12 37:9,22 45:15 46:4,14 61:22 66:2 67:23 71:15 77:17 90:6 104:25 107:20 111:22 113:18,23 114:5 119:13 121:19 122:3 124:15,18 125:11 129:14 134:1 137:25 138:18 139:17, 18 141:22 142:4,22,25 143:3 144:11 154:3,10, 24 161:18 165:22 167:4,24 170:7 174:12 175:15 176:11,13 188:7,10 200:23 201:3, 16 221:9 223:20 235:4 242:22,25 243:1 262:11 271:2	introducing 232:14	
instructs 13:16	internally 25:17 62:1 70:17 170:22 171:3	introduction 238:17	
intel 42:17	international 21:15 22:10,14,15,22 23:12,13,16 25:11 26:1 50:18 114:18 266:20	intruding 242:14	
intelligent 197:2	interplay 237:4	intrusion 270:3	
intense 211:19	interpret	invited 72:11 241:16	
intent 161:12 182:12		involved 24:13,16 38:5 46:20 49:19 50:9,22,25 51:3 69:14,23 70:2,5,6 131:6,14,18,25 132:1,8, 10 150:1,5 151:16 166:8 222:3,7,10 223:2 224:11,14,17 239:22 266:18 267:23	
		involvement 37:23 53:7,13 81:19	

JAMES D. NEALON - 08/14/2018

i22

261:11,24 265:13 item 88:2 132:22 iteration 75:2 its 135:3 136:7 154:11 177:14 186:11,21 211:13	Juliana 237:11,12 July 21:20 35:16 44:5,7 128:19 134:25 160:4 180:16 243:15 244:24 jump 68:9 June 27:13 Justice 151:4,13 187:7 271:13, 16 justifications 217:3	Kelly's 46:22 47:4 48:7,8 149:19,21 Ken 127:20,22,23 Kent 127:22 Kevin 10:21 key 23:23 24:19 88:13 96:10 125:24 131:5 killed 217:8 Kimberly 101:6 kind 14:5 35:24 36:2 37:2 42:13,24 44:12 46:18 141:25 144:16 152:22 155:9 162:8 166:3,4 167:4,6 168:24 185:18 201:14 208:3 229:21 239:15 kindness 117:4,7 kinds 63:2 115:6 126:8 179:12 Kirschner 10:19 14:18 19:2,7,19 20:1 35:2 37:1 45:14 46:2,7,13 49:21 50:11, 24 51:4 53:17 56:12 58:10 59:25 61:4,17 62:4 63:9 64:15 65:8,20 67:21 68:3,13 69:12 70:23 76:6 80:14 83:7, 12,24 84:19 85:8,20 87:11 90:5,22 92:8 95:20 98:4,13 102:10 104:18 105:13 107:17 108:17 109:6,22 110:15,17 111:4,21 112:7 113:17 114:3,12 117:21 119:9 120:5,13 121:18 122:1 124:14 125:9 129:13 130:9,16 131:8 133:25 134:9,13 136:9,24 137:10,20	138:16 139:16 141:21 142:17,21 143:10 144:2,10,15 145:6 146:14 147:5 148:19 149:17 152:22 153:6,11 154:2,8 155:7 156:5,16 157:3,15,22 158:13,21 159:9 160:10 161:17,23 162:5 163:25 165:20 167:2,17 169:8 170:9 171:7,13 172:7,18 173:5 174:7 175:3,7,14, 22 176:4 177:6,16 178:3,18 181:5,17 182:3,10 183:8,21 185:17 186:7,10,16,24 188:6 189:3,7,13 190:14 191:24 193:6, 16,20 194:2,24 195:16 196:20 199:17 200:10, 22 201:13,23 202:19 205:4 206:7,24 209:6 210:10 213:3,17 214:7 215:13 217:17 218:3,16 219:12,23 220:9,21 221:7 223:3,13 225:12 226:2 229:8,20 232:13 235:15,23 236:5 237:20 239:2 241:14 242:3,9, 21 243:24 244:19 245:22 247:6 250:2,13, 17,22 253:17 254:9 256:20 258:5,11,24 260:6 261:9,17 262:5 264:1,11,16,19 267:6, 14 270:11 271:1 Kirstjen 10:11 knew 17:3,9 40:3 132:17 195:3,4 204:21 234:1 268:12 know 12:18 15:12,21 17:5,13 19:11,16 29:5 36:22 37:13 39:7 40:3,15,24 41:4,11,14 43:20,22 44:15 46:24,25 48:10 49:19 51:15 52:23,24 53:2,6,12,19,22 54:7 56:21 57:13,16 59:3,4 61:7,8,9 62:8,21,24 63:19,21 64:22 66:3,4,6 68:4 74:18,24 76:21,23
J	K		
James 10:9 11:1,8,12 20:21 38:9 64:24 82:2 243:16 January 160:4 Jared 187:2 190:4 Jennifer 38:14 Jessica 10:17 273:17 Joanna 237:13 job 21:20 22:7,13 23:11 24:5 25:24,25 26:11,12, 13 28:7,8 32:11 57:14 73:8 82:11 105:15 234:3 jobs 57:3 114:19 John 32:3 123:5,20 140:23 160:3,8 269:20 joined 247:4,17 joining 182:7 Jonathan 86:8 Jones 184:22 185:8 267:9,16 judge 12:6	Kaitlin 268:10,12 Kate 56:21,24 Katherine 233:1 Kathy 64:5,23 65:2 67:2 191:6 192:11 253:25 254:21 259:21 keen 188:16 keenly 89:24 90:4 92:14 keep 20:15 78:18 keeps 219:24 Kelbi 236:1 237:1 Kelly 32:3 44:3,6,9,17 45:4, 12 46:8 55:3 129:10,12, 21 148:16,24 149:7,16 160:4,8,13,19 163:4 222:3 245:6,23 246:13, 16 247:5,16 248:2,13 249:5,8,10,14 250:7,10 269:20 270:3		

JAMES D. NEALON - 08/14/2018

i23

77:1,3,25 79:9 81:11 82:19 83:3,5,11 85:2,6, 13,18 86:4,5 88:21 89:23 90:3,11,14 92:22, 25 93:2,4,8 99:24 100:1,2 101:9 102:8,13 104:20,25 106:25 107:11,14,19,21 108:14 110:19 112:13 114:13 116:7,15,25 121:5 122:19 123:18 124:4,5, 8 127:2 128:9 130:5 131:24 132:17 136:6,13 140:20 141:4 146:11 147:2,4,6,7,9,10 150:22 151:9,14,16 154:25 157:19 164:12,16,17 165:7 166:6,18 167:13 168:7 170:23 171:13,22 172:10,13,23 176:9 178:5 180:13,15,22 184:15 192:14 193:6 197:12 198:15,17 200:15 202:7 203:5,6, 13,16,19,23 204:6,16 206:4,15 207:16 208:16 212:3,6 215:22 216:6 217:21 224:15 225:3,7, 19 226:16,17,20,24 227:4,6 228:21 230:9, 17 232:2,10 233:1,16, 18,19,25 234:12,13 235:2 236:16,22,24 237:2,3,22 239:11 240:24 244:4,21,22,23 245:19 246:22 247:3, 15,24 250:10,17 251:9, 13 252:1 254:17 255:15 256:22 257:6,7 260:5,8 263:1 264:14,21 265:10,14 267:25 268:10 269:5 270:6,15 271:21,25 272:4,5,9,10, 13,20	193:3 197:21 224:24 225:21 266:17 268:4 270:19 known 57:7 58:21 knows 176:5 Kovarik 40:23 64:5,23 65:2 67:3,11 180:17 186:19 191:6,21 192:10 254:1 259:22 Kovarik's 191:18 Krikorian 273:11 <hr/> L <hr/> L-o-r-a 269:6 labeling 134:21 lack 62:5 65:21 67:21 69:12 120:5 158:25 172:7 177:17 192:1 language 170:14 214:8 large 63:10 72:8 188:14 198:7 227:19 247:20 248:9 late 26:18 95:12,25 98:3 261:7 262:3 lateness 96:23 97:15 98:15,21 laughed 192:20 Lauren 86:10 law 41:11 43:2 law's 161:11	lawsuit 16:18,21,24 17:1,4,11, 15 lawsuits 17:3,6,7,18 lawyer 13:14,16,24 14:3,4 46:6 219:16 laying 181:12 lead 214:23 241:21 267:2,4 268:8 leadership 36:4 leading 29:8 37:10 69:16,19 105:1 119:3 leaked 203:7 leave 26:17,19,20 27:1 114:7 183:15 186:9 192:22 201:21 202:3 210:7,9 211:1,5 212:2,11 269:24 led 26:19 60:9 142:11 211:4 212:17 240:7,9 leeway 147:23 left 27:1 55:4 82:1 129:25 193:7 210:4 211:14 212:8,9,12,22 228:4 266:10 legal 54:10 71:24 114:4 164:13,14 168:13 191:12 199:18 218:4 243:6 legalistic 173:9 legally 227:14 Legislative 230:22,24 231:1,11	legitimate 199:22 200:5 220:24 legwork 24:9 let's 35:15 60:17 80:14 107:13 122:22 167:16 186:9 letter 18:7,8 19:12,14,17 80:6 157:21,25 177:19 180:17 181:10 182:12 251:14,17 letters 19:11 level 41:20 47:19,24 48:18 53:21 76:22 77:23 90:16 110:5,6,7 133:1 201:19 239:21 248:25 lies 213:11 life 34:23 35:5,10 lifting 85:1 likelihood 190:11 Lima 33:11 limit 216:15 limited 163:24 line 76:7 84:25 85:15 86:15 87:2 88:19 89:8 93:17, 21 139:7,22 167:21 189:8 202:5 216:7 229:23 234:10 248:12 254:14 260:13 262:24 265:6,7 lines 86:6 167:25 223:14 link 262:22
---	---	--	--

<p>list 85:1,7,11 134:16 231:13,24 232:1,2 240:22 241:1</p> <p>listed 64:22 86:5 90:18,23 229:6 232:23,25 233:14</p> <p>Listen 12:17</p> <p>listing 87:22</p> <p>literally 147:11</p> <p>litigation 45:21 202:3</p> <p>little 14:16 64:11 148:22 149:9 168:6 178:4 202:8 245:3 264:12</p> <p>living 73:8 161:10 227:13 248:3 269:19</p> <p>LLP 10:7</p> <p>lobbying 48:23 49:1</p> <p>located 10:8</p> <p>logical 180:5 192:3</p> <p>logistics 184:6</p> <p>long 17:23 27:19 53:22 69:21 72:19 79:18 121:6 124:8 152:13 163:1 213:21 218:10 219:3</p> <p>longer 26:21 40:4 55:13 158:8 161:15 173:11 205:13 217:9</p> <p>longest 84:25</p> <p>longtime 51:15 104:20</p>	<p>look 59:7 64:8,13 66:23 81:20 87:6 117:12,13 134:5 152:24,25 182:25 190:16 192:16 211:13 251:9 255:2 264:10</p> <p>looked 192:20 201:10</p> <p>looking 152:20 206:11 207:6 247:5 256:8</p> <p>looks 58:12 66:19 87:21 90:18 182:12 185:7,12 235:6,8,17 236:18 237:4,7</p> <p>looming 80:5</p> <p>Looping 238:3</p> <p>Lora 269:5</p> <p>lost 162:7 212:5,7 241:19</p> <p>lot 81:10 109:13,15 115:25 133:12 185:4 208:7 248:4 268:7</p> <p>lots 63:11,12 116:17 147:19</p> <p>low 29:25</p> <p>lower 28:19</p> <p>lunch 81:23 130:12,14</p> <hr/> <p style="text-align: center;">M</p> <hr/> <p>M-e-r-t-e-n 127:21</p> <p>Maclean 10:15 11:5 19:9,22 20:3,17,23 21:6 35:6 44:13 45:18 48:2 58:3 64:3 68:15 76:9,13 80:11,22 82:20 87:16 90:25 97:1 106:6</p>	<p>107:13 111:25 114:7 120:15 121:22 125:4 129:17 130:12,20 131:2,12 134:12 143:14 144:24 151:20 153:10 154:5 161:22 167:1 171:15 176:1,16 178:11,20 182:16 184:9 186:9,14 188:21 189:6, 9,14 193:11,18 199:11 201:18 202:6,16 203:10,12 204:8 207:1 208:24 214:11 220:2,5 222:15 228:2,12 229:3, 24 231:14 232:16 233:5 236:7 240:2 244:9 250:15,20 251:6 255:24 258:7 260:23 261:18,23 263:5 264:18,22 266:2 271:9 273:20</p> <p>Madrid 34:4</p> <p>mail 187:15</p> <p>main 28:6 87:6 134:7,10,12 157:20 183:17,23 184:1 243:3</p> <p>maintain 26:3 231:2</p> <p>maintaining 23:22</p> <p>maintenance 23:15</p> <p>major 166:3 184:22 185:12</p> <p>making 13:14 39:7 46:17 48:15 49:4,13,16 61:15 62:25 69:20 81:4 95:15 105:25 109:4 113:4 145:2 147:24 167:25 181:10 192:18 194:6 195:20 201:25 204:18, 19 264:4</p> <p>manage 26:2 28:10 62:20,23</p> <p>management 47:21 52:8 55:21 65:15, 24 77:14 180:10 257:10</p>	<p>manages 108:22</p> <p>managing 24:8</p> <p>mandatory 66:14</p> <p>manner 102:2 164:9</p> <p>marathon 15:23</p> <p>March 171:19</p> <p>mark 58:3 82:20 85:23 231:14 255:24 273:11</p> <p>marked 20:21 58:6,7 64:5,8,18 66:19 82:23 86:2 134:4, 6 152:12,13 171:16 180:18,19 182:18 184:12 186:2 188:24 193:15 206:22 207:19 208:1 209:20 228:25 229:1 231:15,18 233:7 236:1 240:4,6 243:16 251:5,7,21 253:11 256:4 257:2 259:18 261:15 264:8,9,23 269:9</p> <p>marking 209:21 243:18 251:23</p> <p>Massachusetts 10:8</p> <p>materials 42:3 49:2 50:4 60:25 61:2,12,14,20 95:13,14 237:8</p> <p>matter 10:10 128:8 135:19 142:2 161:21 204:4,5 229:20 233:13 244:15 270:5</p> <p>matters 125:17 127:10,15 184:5 215:19 239:4 267:19</p> <p>Mccament 38:9 39:4,17 40:2,3,7 64:24 82:2 243:16</p>
--	--	--	---

JAMES D. NEALON - 08/14/2018

i25

Mcdonald 254:20 255:3	241:9	147:15 223:23	166:4 196:25 240:20
Mckenna 259:22	meetings 38:2,16,17,20,22,25 40:17,19 41:2 48:21,24, 25 54:18 55:24 56:1,8, 10,14 57:11 68:25 70:11,18,21,25 71:4,8, 13,15,18 72:3,4,6,16, 17,19,25 73:6,10,13,16 76:3,10,18 77:8,17,20 78:2,12,15,19 79:1,3, 12,18,20,23 80:1 81:9, 11 131:24 132:5,16 140:12,16,22 141:6,7 142:1,3 146:1,25 147:19,20,21 148:3,4, 25 149:6,11 150:25 152:1,5 197:12 204:17 225:23 228:20 241:9,16 242:2,12,20 266:25 268:7	memos 18:14,15,17 63:5 260:3 263:17	minds 164:18 165:9
mean 14:25 24:17 49:24 51:13 61:8 68:14 71:9 77:11 87:12 108:20 129:13 134:25 154:12 157:12 164:20 167:2,21 168:17 169:10 186:13 187:20 193:20 195:22 197:11 198:8 204:3 206:9 210:12 211:7 215:1 218:5 219:14 220:10 234:6,11 240:8 263:6,9,11,13 265:12	member 268:14	mention 72:2 232:22	minister 70:7 79:4,8
meaning 86:17	members 26:4 42:19 69:5 79:3 84:8 115:8,11,15,22,25 116:2,9,11,21,24,25 117:1,13,16 140:13,19 141:4,8 231:2	mentioned 24:12 52:10 77:17 131:3 132:13,24 210:6, 15 224:9 256:16	minute 254:3 260:3
means 18:18 51:16 74:25 233:16,18 240:13 244:23 248:15 254:17	memo 18:11,21,23 36:19,20 37:5,10,14,20 38:6 53:2,8,15,24 60:24 61:11 68:7 108:12 124:3 192:4,12,13,21 195:13,18,20,23,24 196:17,22 197:9,10,13 198:15 200:3 201:11 203:5,7,13,16,19,25 204:2,7,13,25 205:21 206:16 207:10,14,19, 21,24 208:1,14 209:10 227:4,18 232:24 238:16 254:22 255:16,17,21 258:19,21 259:5,6,15, 16	merits 120:23 121:1,8	minutes 80:12 202:7 228:2 234:24 254:2,20
meant 63:17 104:2 181:6 217:6	memoranda 207:2	Merten 127:20 128:5,8,13 129:2	mischaracterization 138:3 144:22 186:8
mechanism 62:10	memorandum 194:22 195:1	message 59:2 86:15,23 185:12	mischaracterized 186:17
media 203:7	memory 28:18,19 31:11 42:25	met 17:22 20:6 79:7 185:1	mischaracterizes 137:21 173:6 183:22 219:13,24 239:3,6
medication 16:8		Mexico 22:16 23:17 123:22	misimpression 14:20 167:23
meet 38:20 69:3 70:8,9 79:5 132:6,7 238:12,13		Miami 31:18	misinterpreting 173:1
meeting 30:2 70:12,13,15 71:2 72:8,11,23 73:17,19,20 74:2,8 75:19,20,25 76:1,14,15,16,20,21,24 77:1,15,16 78:3 79:10 81:5 140:19 147:11,13 148:1,2 150:23 169:23 170:4,6,8,17,19,21,24 185:7 187:18,24 190:13 229:12,14 230:2 231:17,22,24 235:13, 19,21 236:4,9,13 237:9, 19 239:9,16,17,18,24 240:9,12,15,16,22,25		Michael 84:4	misrepresentation 90:23
		middle 64:21 78:1 87:6 152:16 161:4 181:8 237:11	misrepresents 131:9
		migrate 205:18	mission 32:22 33:10,18 36:4 77:4 243:11
		migration 43:10,13 88:9 97:13 108:11 198:5,6 205:17 213:9 214:15 227:23	misspoke 188:18
		Miles 152:2 266:13,14	misunderstanding 82:5 215:5
		military 185:3,8 249:9 267:10, 17,20	Mitch 217:8 218:12 219:5 220:18
		Miller 140:23 155:20 156:3,8, 24 224:19,20 225:14, 19,25 226:8,14,17,21, 25	mitigate 128:16
		mind 78:9 96:18 130:13	moderate 73:6
			moment 20:24 64:8 85:25 103:2 121:10 134:5 152:25 219:2 257:4 260:23 264:10 269:10 273:21, 23

JAMES D. NEALON - 08/14/2018

i26

Monday 134:3	names 25:5	63:2 76:23,25 82:24 100:24 102:1,3 103:8 105:17 132:21 153:2,17 157:8 184:15 190:18 195:24 238:10,22,25 250:21 254:4 259:19 260:14 265:1,23	Nielsen's 49:11 106:13,17,23 107:10 163:12
Montevideo 33:21 34:2	narrative 194:3 210:11		nine 11:20
month 69:22 70:3 240:14	National 89:13,15,18,20 90:17 91:6,12,15,19,24 92:12 183:19 187:13	needed 14:2 117:19 163:24 191:15 237:8 245:25 246:2,3 255:12	nod 13:3
months 11:20 29:8 33:19 39:9, 12 69:22 70:3 74:25 149:4,9 196:19 209:4 229:13 230:8 238:23 263:20 264:4,5	natural 92:13 114:16	needing 120:21	nodding 57:24 81:24 95:8
moral 191:12	naturally 146:25	needs 62:22 190:10 238:9,19	nongovernmental 271:18
morning 10:2 71:1,2,18 72:17 76:3	nature 25:24 126:11 137:14,16 154:8,18 156:9 157:6 158:17 159:15 161:16 162:1,15,25 163:19 164:3,15 166:10 168:13,16 200:1 205:7 223:5,15 262:10	negotiations 169:18	normal 172:13
motivation 195:25	Nealon 10:9 11:1,6,8,11,16 14:19 19:3 20:21 21:7 37:3 64:7 65:10 80:23 87:14 111:6 117:23 119:10 130:18 131:3 138:17 146:16 152:23 153:12 156:6 158:14,16 160:11,16 162:6 164:1 165:21 167:18,22 170:12,13 178:7 183:24 185:18 195:17 196:22 209:9 213:17 214:9 219:25 220:12 221:8 228:13 229:11,22 254:9 262:5 264:24 270:11 271:1	net 43:12,15 194:7	normally 41:3 61:11 109:25
mouth 117:23 172:25 198:12 211:20 248:6		Neubel 40:22 65:2 67:10 186:19 191:6,17,21 253:25 259:21	Norman 184:22 185:12
move 41:17 62:23 85:22 93:25 152:9 171:11 231:13 232:21 233:5 255:18 257:17 266:2		Neumann 86:13 230:5,12	North 273:15
moved 151:3,12		never 169:16,22 219:25	Northern 179:15
moving 136:14 255:4		new 36:2 143:18 172:11,14, 16,22 218:14 224:4	note 65:9 201:18 220:23
multiple 59:10		Newsroom 152:11 209:19	note-taker 78:24
<hr/>			
N			
<hr/>			
N-e-a-l-o-n 11:9	Nealon's 65:11 117:23 131:9 138:3 177:8 183:22 193:9	Nicaragua 118:19,21,23,25 119:8 173:20 178:21 179:23 195:15 196:12 204:11 205:1 206:3 207:8,21 208:2,4,9,10,15,20 209:12 238:19 258:4,10 263:4,25	note-taking 78:23
name 11:7,8,9 24:14,24 25:1 29:18 38:9 41:13,16 90:17,18,20 91:1 92:3, 20 93:5 103:1 104:22 121:9 123:4 183:19,20 224:18 240:22 259:23	nearly 260:3 265:6	Nichols 56:21,22,24 57:6,8	noted 214:11 220:2,5
named 51:10 84:4 97:8 100:4 127:20 140:23	necessarily 145:14 205:20 221:2	Nielsen 10:11 16:17 17:11 47:6, 9,18,23 48:17,19,24 49:18 55:18 105:23 106:2,7,8 148:17 149:2, 7,9 150:5 163:12 222:9	notes 20:11 78:18,21 227:5 230:2
	necessary 13:7 39:8 40:20 70:6,11 153:3		notice 20:20 21:8 256:6 257:11,20
	need 15:19,20 45:23 60:17		notices 65:23,24 66:9,12
			notification 89:21
			notified 88:3 89:11 92:2
			notify 90:2 93:22
			notifying 88:10 89:9

JAMES D. NEALON - 08/14/2018

i27

<p>November 67:4 207:4 251:8 259:10 261:8 262:4</p> <p>NSC 89:11,12 92:2,5,24 93:9,12 187:8,12</p> <p>Nuebel 192:10</p> <p>number 10:11 32:22 39:6,7 40:17 88:2 89:8,11 92:2,11 122:19 150:20 161:10 168:10 195:4 245:13,14 266:8 271:18</p> <p>numbered 135:3</p> <p>numbering 134:21 135:17</p> <p>numbers 134:20 198:7 227:20 229:9 232:15 247:20 248:9</p> <p>Numbersusa 272:12,16</p> <p>numerous 225:14</p>	<p>20 90:5,22 92:8 95:20 98:4,13 102:10 104:18 105:13 107:17 108:17 109:6,22 110:15,17 111:4,21 112:7,8 113:17,22 114:3 117:21,22 120:5,13 121:18 124:14 131:8 133:25 136:9,24 137:10,20 139:16 141:21 142:17 143:6 144:2,10,15 147:5 148:19 149:17 154:2 155:7 158:13 161:17 162:6 169:8 170:9 171:7 172:7,18 173:5 175:3,14 177:16 181:5, 17 182:3,10 183:8,21 185:17 186:7,24 188:6 190:14 191:24 194:2 195:16 196:20 199:17 200:10,22 201:13 205:4 206:7 209:6,7 210:10 213:3 214:7,11 215:13 217:17 218:3,16 219:12,23 220:2,5,9,21 221:7 223:4 225:12 235:15 236:5 237:20 239:2,5 241:14 244:19 245:22 247:6 250:2 253:17 256:20 258:5, 11,24 260:6 261:9 264:1 267:6,14</p>	<p>occasion 69:7</p> <p>occasionally 38:2 225:23 272:21</p> <p>occurred 200:8 233:12</p> <p>occurs 65:22 152:8</p> <p>October 60:16 157:21,25 159:23 190:2 194:14 202:21 207:15 236:13 258:9,23 259:25 261:7 262:3</p> <p>offered 117:6</p> <p>office 12:2 34:15 49:1 50:18 51:13,17,18,22,24,25 52:8,9,25 53:20 54:3,4, 8,9,13,18,21 58:25 60:6,7,8 61:9 63:22 64:1 65:15,23 68:19,20, 21 69:10,23 70:2,22 71:5,16 77:13,14,18,23 78:5 81:18 82:1,15 83:9,15,18,23 84:4,13 85:14 86:11,25 87:22 96:4 97:18,20,24 99:12, 17,19,22,24 100:6,12, 17,23 101:4,15,19 102:23 103:18 105:11 106:13 108:2 116:19,21 117:8 131:5,13,17,21, 23 132:9 148:7 151:15 164:13,23 170:2 187:4 192:2,5,6,7,8 193:4 230:21,23 231:1,10,11 234:22 235:11,18 237:14,15,18 240:9 241:3 255:15,17 257:10</p> <p>officer 126:5,6 128:1,3 237:24 249:11</p> <p>officers 52:6</p> <p>offices 10:7 77:12 192:3</p> <p>official 26:22 135:1 157:17</p>	<p>officially 93:23</p> <p>officials 139:9 152:19 153:21 155:23 269:14,23</p> <p>oftentimes 53:25 148:6 152:4 266:24</p> <p>OGC 241:3</p> <p>oh 143:10 147:13 234:11 261:18,21</p> <p>OJC 255:9</p> <p>okay 10:24 15:6,13 16:16 17:5 18:25 19:18 20:3, 8,11,14,16 25:7 27:5 37:12,23 39:20 41:11, 14,17 44:2 45:11 46:13, 16 53:22 66:18 67:8 73:9 74:14 76:11,12,13 78:18 79:21 80:10 82:20 83:2 85:13,22 86:3 89:8 93:17 130:11 134:13,14 135:13 136:14 139:7 143:5,7, 15 146:19 151:19 152:7,9 157:11,22,23 159:11 160:2 161:2 167:16 169:14,20 171:11,24,25 174:20 180:1,20 181:1 182:24 184:8,20 186:2 187:5 188:20 189:12,14,22 190:20 192:9 193:5,22 198:22 202:6 203:23 206:5 209:25 214:4 217:2 223:12,21 224:9 226:16 227:7 228:19 233:19 234:4,12,25 235:1 236:15 237:10 238:16 242:8 243:23 245:5,15 246:24 248:12 251:11,12 252:22 253:13,14 254:18 255:2 259:17 260:21 262:13 265:3 266:1 269:15 271:5</p> <p>old 130:6</p>
<p>O</p> <p>oath 11:2 12:3,10</p> <p>object 14:23 113:20,24 119:9 122:1 125:9 129:13 130:9 138:2 142:24 144:21 147:8 152:22 170:17 178:18 194:24 235:23 267:6</p> <p>objected 174:12</p> <p>objection 13:19,24,25 14:6,9,12, 13,24 35:2 37:1 45:14 49:21 50:11,24,25 51:4 53:17 56:12 58:10 59:25 61:4,17 62:5 63:9 64:15 65:8,20 67:21 68:3,13 69:12 70:23 83:7,12,24 84:19 85:8,</p>	<p>objections 13:14</p> <p>obligated 27:1 211:1,5 212:11</p> <p>observation 128:25</p> <p>observed 41:25 42:15</p> <p>obstructionist 165:3</p> <p>obviously 12:16 13:17 23:19 44:15 45:18 52:24 64:10 69:20,22 95:1 104:2 112:2 145:19 172:10 188:13 236:24 241:22 244:14 253:24 259:11</p>		

JAMES D. NEALON - 08/14/2018

i28

OMB 65:4,13 66:3,7,10,12 once 53:23 71:16 74:23 77:18 98:11,15 182:22 225:10 one-offs 179:19 ones 165:16 192:4 203:2 op-ed 209:22 212:16,17 213:15 215:23 217:15 227:8 open 49:17 openly 212:21 operated 53:20 operator 10:3 opinion 133:11,12 194:9,12 212:20 214:13 218:19 219:14 opinions 42:4,19 131:22 opportunity 63:23 79:12 101:24 103:6 152:23 244:3 256:2 opposed 19:7 options 36:20 oral 42:18 order 13:11 37:19 42:14 62:22 73:14 140:2 229:4 245:18 orders 24:10 organization 140:11 272:1,6,7,11	organizations 271:18,22,23 272:15, 17,18,21 273:6,9 organize 192:3 organized 58:23 192:8 organizing 235:12 orientation 35:24 245:3 origin 243:7 original 59:2 143:21 172:21 212:3 217:7 258:2,8 260:4 originating 143:22 220:17 Ottawa 32:23 33:7 outcome 139:25 140:2 outline 100:16 outlined 67:20 86:24 95:6 186:18 187:19 197:9 201:19 outlining 103:16 outreach 68:24 69:2,4 outset 96:8 210:6 outside 42:17 56:10,13 91:23 203:2 outspoken 213:2 outstanding 45:21 125:8 201:22 outward-looking 26:13 Oval	170:2 overarching 181:11 overlap 47:6,9 overlapped 44:20 46:25 148:23 149:8 250:9 overseas 117:10 135:3 190:4 overseeing 68:18 150:11 oversees 185:3 oversight 46:22 47:12 overtly 136:19,23 overview 46:22 168:3 <hr/> <p style="text-align: center;">P</p> <hr/> P-e-t-y-o 25:1 P-l-c-y 85:7 p.m. 64:5 67:4 84:15 130:25 134:4 190:2 202:13 251:1 253:22 package 60:19,22 183:3,5 255:18 257:10,12 packages 255:9 packet 252:6 PAG 88:20 page 64:18,21 66:25 87:7 134:17 143:8,10,11,13 152:17 157:13 160:3 161:3,4 167:16 169:14 183:1 184:17,18,21	187:5 190:3 213:14,18, 20 216:23 229:10 231:23 232:15 233:14 236:24 237:10 238:2 241:2 255:4,5 264:11, 23 pages 264:20 painting 51:6 paper 27:22 99:20 172:21,22 173:13 237:6,15,16 papers 177:21 paperwork 54:2 62:20 84:22 88:13 95:24 96:21,23 97:18 98:6 99:10,17,22 100:25 102:1,14 103:8 104:3 105:18 106:18 107:5,9 120:21 126:13, 14 239:9,20 252:13,19 253:7 paragraph 67:9 84:24,25 143:16 152:17 153:20 157:11, 12,17,20,24,25 158:12 160:2 161:4,6,8 169:15, 21 170:20 171:22 181:8 184:16 213:15,20 217:10 246:24 247:10 249:20,22 269:16 paragraphs 84:24 143:8,13 157:14, 19 217:1 part 19:20,23 38:4 84:7,12 88:19 99:18 133:17 134:8 157:8 201:15 214:15 216:18 232:18 participant 241:4 participants 160:25 231:24 participate 48:21 58:13,14,22 131:24 190:22 participated
---	--	--	---

JAMES D. NEALON - 08/14/2018

i29

<p>38:18 48:23 147:3</p> <p>particular</p> <p>30:1 50:8 68:10 69:18 73:25 83:19 86:16 91:13,16 96:14,19 145:15 160:20 166:23 200:16 242:19 247:3</p> <p>particularly</p> <p>69:5 105:8 114:21 173:17 212:24 213:1 231:21</p> <p>parties</p> <p>191:22</p> <p>partners</p> <p>22:15 23:17,23 187:7, 19 266:20</p> <p>passionate</p> <p>249:8</p> <p>patience</p> <p>266:6</p> <p>paying</p> <p>227:14</p> <p>penalties</p> <p>12:5</p> <p>pending</p> <p>15:22 17:3,6</p> <p>people</p> <p>21:23 22:1,4 24:13,15, 17,19,20 25:2,18,23 26:8 43:7,10,11 47:16 50:8 51:17 52:18 57:2, 14 58:21 59:3,13,23 62:19 64:21,23 66:22 72:5 76:25 77:22,23,24 78:21 81:3,10,13,14 83:22 84:11 86:5 93:11, 15 131:23 132:1,4,9 137:12 138:11,25 139:2 141:9 144:6,8,18 145:7, 9,10 146:3,5,10 147:13 148:13 170:1 173:11 195:4 196:1 197:17 198:2,24 204:19 205:11,18 216:15 217:9 218:22 222:22,23 223:25 224:13,15 227:12,18,19,20,23 228:1 229:6,17 230:4,9 232:22,25 236:22 237:8 239:8,18 243:5 248:8,</p>	<p>14 266:8 272:18 273:9</p> <p>perform</p> <p>104:23</p> <p>performed</p> <p>231:6</p> <p>period</p> <p>27:10,14 31:19 40:4 53:14 69:16,19,21 119:3 150:21 209:13 260:15</p> <p>periods</p> <p>107:8</p> <p>permission</p> <p>153:18</p> <p>permits</p> <p>269:18</p> <p>person</p> <p>13:8 22:23 23:2 32:22 33:20 38:3 91:1,4,5,23 92:18 93:9 114:18 123:23 147:14 231:6,25 241:3 267:3 268:21</p> <p>personal</p> <p>28:9 52:7 214:12 218:19 219:14</p> <p>personalities</p> <p>47:16 49:14</p> <p>personality</p> <p>49:18</p> <p>personally</p> <p>105:22</p> <p>personnel</p> <p>28:10 222:17</p> <p>perspective</p> <p>48:9 148:23 180:11 197:14,15 204:24 215:21</p> <p>perspectives</p> <p>205:19 206:12</p> <p>pertain</p> <p>245:11</p> <p>Peru</p> <p>33:11</p> <p>pest</p> <p>255:6</p>	<p>Petyo</p> <p>25:1 81:19 86:10 132:13 183:2 192:23 235:25 236:25 237:7</p> <p>phone</p> <p>58:14 96:19 102:17,18, 21 121:5 155:20 156:3, 7,11,13,14,20,22 158:9 160:12,15,17,22,25 189:10 193:19 229:9 232:15 244:22 270:8</p> <p>phrase</p> <p>37:2 51:13 146:4 154:17 170:25</p> <p>pick</p> <p>147:10</p> <p>picture</p> <p>77:2</p> <p>piece</p> <p>63:13</p> <p>pitch</p> <p>79:9</p> <p>pithy</p> <p>195:8</p> <p>place</p> <p>31:12 54:19 73:19,20 77:18 96:19 147:1 150:9 156:12,15,22 159:3,4,7,11,17 160:18 162:15 196:18 221:12, 22 223:14 225:17 229:12 236:9 239:16 256:7 258:17,20 263:21 270:13 272:25</p> <p>placed</p> <p>155:20 156:3</p> <p>plaintiff</p> <p>10:16,18</p> <p>plaintiffs</p> <p>20:2</p> <p>planning</p> <p>99:18,25 100:13,18,23 101:4,16,19 102:24 103:18</p> <p>plate</p> <p>75:4 79:17</p> <p>play</p> <p>43:8 69:25 88:12</p>	<p>192:17 235:7 236:20 241:21 271:16</p> <p>played</p> <p>41:4 81:14 167:19</p> <p>plays</p> <p>88:12</p> <p>PLCY</p> <p>85:1 240:7 255:14</p> <p>please</p> <p>10:13,25 11:6 12:18 15:4,21 20:18,24 25:13 55:16 180:3 184:11 189:21</p> <p>point</p> <p>15:7 45:8 68:15 133:19 134:16 135:19 144:6 183:17 194:10 201:20 202:7 208:22,25 215:9 229:21 259:10</p> <p>pointing</p> <p>245:12</p> <p>points</p> <p>89:1,7 134:17 204:18 220:24 235:7</p> <p>policies</p> <p>26:24 172:11 210:19 211:3,4 215:6,10</p> <p>policy</p> <p>21:17 22:11,19,21,25 23:3,4 24:4 26:8,11 32:6,9 43:5 47:22 50:18 60:6 63:22 64:1 68:9, 11,14,19,20,22 69:9,10, 23 70:2,22 71:16 72:10 75:15 77:13,18,23 81:18 82:1,9,10,13,16 83:5,9,10,15,17,18,23 84:4,7,12,13 85:6,11,17 86:12 99:18,24 100:12, 18,23 101:4,16,19 102:23 103:18 108:21, 23 116:19,21 117:8 128:15 131:5,13,17,23 132:9 139:24 140:6,9, 13,15,19 141:5,8,9,10, 18 142:1,13 165:12,14, 17,18 166:13,14,16,17, 18 167:11 168:9,19,20, 22 169:2,5,7,12 173:3, 10 179:10,12,17,20 180:11 187:4,11 188:3,</p>
--	---	---	--

JAMES D. NEALON - 08/14/2018

i30

<p>13,17 192:2,5,6,7 198:1,2 200:3,15 205:15 212:5,7 213:6,7, 24 214:6,15,16,25 215:23 216:4,13,19 221:2,3,4,6,18 235:11, 12,18 237:18 240:9 255:15 260:19</p> <p>Policy's 131:22 255:18</p> <p>political 26:21,23 100:9,11 124:5 126:4 128:2 136:20,23 137:9,16 210:16,17,19 211:2</p> <p>politically 270:3</p> <p>politicized 138:14 139:5</p> <p>politics 169:4</p> <p>Population 88:8 97:12 108:10</p> <p>populations 243:10</p> <p>Port-au-prince 136:5</p> <p>portfolio 51:9 150:12 151:11</p> <p>portfolios 24:21 25:4 51:8</p> <p>portion 37:24 156:23</p> <p>pose 173:13</p> <p>position 21:13,14,19,21 22:9,19 23:2 24:4 26:8,10,17,19 27:3,6,7,16,20 31:14,15 32:19,20 33:5,7,9,13, 15,17,24 34:1,2,14 35:15 40:8 109:2 156:2 188:2 191:22 197:22 204:10 210:21 241:25</p> <p>positions 23:9 33:3 57:4 72:6 197:8 230:10</p>	<p>possession 136:7 203:1</p> <p>possible 36:12 63:16 141:14 186:15 195:14 198:4 199:3 232:19 263:18</p> <p>post 23:12,13 32:24 33:22 34:6,8,12,17,23,25 35:1,11,22 36:8 135:12 152:12 209:23 261:13, 19</p> <p>POTUS 248:18</p> <p>practice 27:25 90:1</p> <p>pragmatic 195:22 197:6</p> <p>preceding 27:7</p> <p>precise 31:23 207:17</p> <p>precisely 123:18 246:23 257:7,14</p> <p>predated 75:20 83:3 100:6 246:11,21</p> <p>predates 65:10</p> <p>predetermined 140:2</p> <p>Prelogar 41:14 233:1,2</p> <p>premise 137:24</p> <p>premium 249:23</p> <p>preparation 18:3 20:12 38:6</p> <p>preparations 236:19</p> <p>prepare 17:20 20:11 37:20 48:20 245:18 246:1,2,4</p> <p>prepared 49:8 153:12 235:5</p>	<p>269:18</p> <p>preparing 192:4</p> <p>prerogative 172:10</p> <p>present 30:8 54:18 55:24 56:7 57:11 140:13,14,16,17, 20 141:5,6,7,11 147:14 148:9,17 149:25 150:4, 15,25 151:23 152:1,2 159:4 235:20 241:8,11 242:2,13 268:7</p> <p>presented 61:2 98:8</p> <p>president 27:23 160:6 169:11,24 171:5 215:2,9,16,17 216:1,5,9 248:18,22 249:12</p> <p>President's 28:9 215:6,21</p> <p>press 42:16 60:14 265:18,22</p> <p>pressing 39:16,22</p> <p>pressure 260:25 261:5,14,20 269:12,21</p> <p>presumably 69:24 135:4</p> <p>presume 135:7</p> <p>presumption 176:20</p> <p>pretty 131:16 134:15 140:10 198:8</p> <p>prevent 16:9,13</p> <p>previous 47:20 48:5 66:22 171:17 172:24 181:19 186:3 190:5 194:17 213:18 219:9 220:7 232:1 236:9,11,19 240:8,15 241:5 256:6,</p>	<p>16</p> <p>previously 11:18,19 66:19 113:6 131:4 132:13 138:9 139:3 150:10 174:12 183:16 193:15 199:2 206:1 207:19 210:13 228:15 230:3 232:7 243:3 253:6,10 257:1 259:18 262:14 266:12, 23 267:10 269:9,25</p> <p>primarily 173:4 231:6</p> <p>primary 26:1 32:4</p> <p>prior 15:10 17:2 27:5,7 31:14,16 32:19,21 33:9, 17 34:1,9 37:5,14 53:9 105:24 126:15 196:6 197:10 204:25 219:20 220:15 229:6 232:17 245:16</p> <p>priorities 191:15</p> <p>prioritize 78:10</p> <p>priority 30:11 39:11,15,22 40:13 85:1,7,11</p> <p>privilege 14:4 45:17 46:1 90:21 111:24 112:1 113:20,25 119:6 121:21 122:2 125:7,13 137:19 138:7 139:21 145:4 154:7 166:25 167:9 177:4 242:15 271:11</p> <p>privy 105:3</p> <p>PRM 88:7,8</p> <p>probably 23:14,20 27:19 38:15 39:25 45:20 49:7 57:13 58:24 60:8,9 123:23 162:10 198:23,25 210:24 240:17 246:13</p> <p>probing</p>
---	--	---	--

JAMES D. NEALON - 08/14/2018

i31

212:14	product 63:18	provided 15:8 20:6 42:17 49:2,5 74:15,16 102:9 104:9, 11 110:24 145:11 173:19 177:24 178:16 185:15 200:14 201:2 202:25 206:16 207:10 239:20	Q
problem 130:20 173:13 208:9,11 261:22	production 37:10	provides 26:2 155:10	qualify 262:6
procedure 110:25	productive 239:17	providing 87:14 200:18 201:9	quarters 205:20
proceed 85:2	professional 24:8 26:22 34:23 35:4, 10 99:10 103:15	public 32:15 34:3,10 60:10 86:9 88:22,23,25 89:1, 3,5 169:11 170:3,5 171:4 202:25 260:24 261:4 262:1	question 12:18,19,20,21 13:11, 12,16,19,21 14:1,2,5, 11,15 15:4,8,10,22 25:8,13 26:7 27:22 37:3 39:20 44:25 45:23,24 46:3 49:22 50:12 52:24 55:6 61:6 62:6 65:2 80:24 108:19 111:15 112:24 113:21,22 114:1,10 118:18 119:16 121:23 129:18 133:10 134:16 137:4,14,23,24 138:2 142:6,7,24 143:2 144:25 145:16 147:6 148:20,21 154:3 155:1, 13,14 156:5,6,9,19 157:4,5,9,14,20 158:14, 22 160:11,14 161:24,25 162:8 163:23 164:11, 24,25 166:10 170:14, 15,18 171:21 174:15 175:15,23 176:2,5,10, 12,13,18,19,22 177:5 178:4,5,7,12,14,23,25 185:20 191:1,4,10,18, 19 199:12 201:3,22 202:17 207:23 210:13 211:11,15 217:22 218:6,7 220:3 221:8,10, 15 223:11,19 226:3,4 228:14 229:25 238:1 240:18 242:5,10,15 247:8 249:19 254:10 270:12 271:2,7 273:8, 15,17
proceedings 21:2 80:18 130:23 202:12 228:8 250:25	professionals 249:3	publicized 169:24	questioner 14:21
process 28:20 29:2 30:1 31:11 36:15,25 37:5,9,22 41:19,21 42:5 44:14 45:17 46:1,20,23 47:4, 13 48:15,19 49:7,11,20 50:4,5,10,22 51:3 52:25 53:7,13 57:9 61:24 62:9,13,14,16,23 63:3, 8,16,20,24 65:17,18 66:1,2,4,5,7,10,15 67:12,18,19,25 68:12, 22,24 69:11 78:23 84:17 90:21 94:17,20 95:7,17 96:6 98:7,17,22 107:14,20,21 108:3 110:13 111:24 112:1,6, 14 113:20,25 114:2 116:4 119:6 121:21 122:2 123:19 124:23 125:7,12 132:11 136:20,22,23 137:2,3,8, 19 138:6,13,20 139:4,8, 20 145:4 154:7 162:25 164:4 166:25 167:4,9 177:3 194:5 198:19,24 199:1,21 201:20 202:5 223:4 242:15 252:21 256:16 258:15,17,20 270:16 271:11	programs 28:11	publicly 212:21	questioning 76:7,8 167:21 189:8 216:8
processes 50:2 140:1 141:19 142:14	promising 183:4	published 257:21,23 258:1	questions 12:15,16,17,24 15:15 16:3 45:25 74:17 95:21 114:8 125:5,10,15
produced 18:21 19:24 20:2 252:10 259:8	proper 185:19	pull 188:21	
produces 18:19 89:3	properly 105:16	pulled 259:5,15	
producing 88:13	proposal 169:17,23	purported 171:5	
	proposed 240:23	purpose 63:7 72:16 78:2	
	protected 14:3,10 22:5 28:13,17, 21 126:1 162:16 163:1, 24 164:20 168:17 200:1 205:8 208:5 217:5 231:16 251:24 252:4	purposes 87:12	
	protections 158:8	pursuing 247:20,22	
	protective 229:4	push 205:16,17 213:8 227:23	
	provide 15:9 16:6 54:10 67:13 94:11,14,18 104:17 108:7,9,11 119:15,16 124:17 125:25 137:23 141:24 142:2 143:2 154:20 164:1,9,14 166:1,2 168:3 177:4 188:9 194:12 201:6 202:1 208:14 242:23 254:19,25 255:10,11	put 39:6 40:17 51:18 60:23 61:10,14 82:11 172:25 198:11 206:6 209:9 239:9 248:6	
		putting 80:4 117:22 170:10 196:6 211:19	

JAMES D. NEALON - 08/14/2018

i32

126:16 130:14 132:21 134:10,11 153:7,12,15, 16 159:12 165:22 166:4,9 173:3 174:8,11 175:23 182:20,22 184:19 212:14 223:10, 19 234:18 242:6 250:8 251:20 260:21 262:24 270:13 271:10	207:24	reason 15:19 16:5 96:16 102:4 104:23 173:2 197:13 217:20	16,21,23,24 222:2,6,9, 12,16,20,22,25 225:16 230:16 235:20 238:24 240:16,21,25 252:23,25 253:2 257:16,19,23,25 258:2,8 259:16 260:12 263:1,16,23 264:3,6 268:16,24 269:2 270:22,23 272:21,24,25 273:3,4,5,10
quick 249:22 250:14,15	reach 41:3 99:4	reasonably 133:2 210:21	recalled 38:16 75:25 118:1
quickly 228:23 240:3,19	reached 185:9	reasons 179:17	recalling 122:18 183:20
quite 27:19 43:23 44:16 64:10 142:20 250:7	reacted 193:10	recall 11:21 18:6 29:12,17 30:1 31:4,8,23 32:15,18 33:12 34:5,24,25 35:9, 12,25 36:6 38:15,17,19, 24 41:13,16 42:23 43:23 44:18,21,22 45:2, 7,11 46:8 47:2 52:16, 19,22 54:22 55:25 58:17 59:9,23 65:1 70:12,14 73:9,13,16,17 74:2,7,10 75:19,23,24 76:3,5 78:25 80:2 81:11 83:21 89:20 90:20 91:1, 3 92:10 93:14 95:16 96:1,20,24 97:2,9,14,22 98:14,20 99:7,9,16,21 100:21 101:1,5,8,11,21 102:7,12,25 103:3,4,6, 12,13,20 104:7,8,11 105:6 106:1,2,5,11,12, 16,20,21 107:8 110:11 111:7,17,19 112:15,17, 21,23 113:10,12,14 115:2 118:4,6,9,11,15, 21,24 119:7,17,18,19, 21 120:2,9,19,21,24 121:9,11,15,16 122:4, 14,17,23 123:9,14 126:3 127:3,12 128:1,4, 7,23,24 129:9,21 131:15 136:1,4 137:15 140:15 141:15 146:20, 22,24 149:15,24 150:4 151:16 159:8,24 160:23,24 161:1 162:17 165:5,7 167:13,14 170:23,25 181:3 183:10 184:25 186:1,22 187:18,21,23 188:1 189:16 191:1 193:23 194:20 198:17,18,21 200:18 201:9 203:21 204:14 207:16 208:16, 17,19,21,25 209:12 210:15 216:22 221:5,	recap 249:22
quickly 228:23 240:3,19	reaction 193:9	reading 50:6 68:6 189:20 194:7 235:17 237:3 252:23,25	receive 42:6,9 103:9 115:6 116:13,16 246:4
quite 27:19 43:23 44:16 64:10 142:20 250:7	read 15:17 17:16 42:15,16, 17 49:6 67:6 82:24,25 96:6 112:22 143:9 152:14,15 153:3 157:11,12,18 169:18 178:3,11,13 184:14,16, 17 195:5,10 196:2 234:16 237:22 240:19 244:3 261:25	readout 79:9	received 114:13,23,25 115:2,12, 15 116:3 153:22 155:6
R	reads 85:15 93:17,21 136:15 139:7,22 153:20 155:18 156:23 157:25 160:3 161:8 181:8 247:10 249:22 260:14 270:1	ready 69:15 130:13	receives 36:3
R-a-i-o 36:17	reading 50:6 68:6 189:20 194:7 235:17 237:3 252:23,25	real 208:9 265:24	recipient 116:7
R-e-z-m-o-v-i-c 230:13	readout 79:9	realize 182:5 188:25 201:21	recitation 193:10
R-i-e-s 269:5	reads 85:15 93:17,21 136:15 139:7,22 153:20 155:18 156:23 157:25 160:3 161:8 181:8 247:10 249:22 260:14 270:1	really 17:12 58:17 116:15 131:17,19 132:10 137:4 142:20 165:3 169:10 206:9,13 207:25 208:2, 17 211:11 212:8,9,13 215:15 253:8 255:1 265:21	recognize 134:21 135:14 229:3 249:23
R-i-s-c-h 233:20	ready 69:15 130:13	realm 266:21	recognized 221:6,17
radar 30:20 180:7 181:22	real 208:9 265:24	Rear 184:21	recognizing 114:10 215:24 238:24
RAIO 18:16,18,19 19:8 36:17	realize 182:5 188:25 201:21		recollection 20:9 43:1 57:4 59:12 75:9 76:19 81:17 84:18 91:17 95:9,11 96:13 100:7 104:15 128:21 129:4,5 133:21 135:16 144:4,9 159:23,25 175:6 196:19 241:10 252:21 256:13 259:13 265:17,20 267:22 268:18
raise 167:9	really 17:12 58:17 116:15 131:17,19 132:10 137:4 142:20 165:3 169:10 206:9,13 207:25 208:2, 17 211:11 212:8,9,13 215:15 253:8 255:1 265:21		recollections 262:21
raised 74:7 197:12	realm 266:21		
raising 80:9	Rear 184:21		
Ramos 10:10 16:17 17:11			
ran 77:24 84:1			
range 23:5,19 26:24 210:18			
rational 220:25			
re-reading			

JAMES D. NEALON - 08/14/2018

i33

recommend 196:11	19:21	refers 65:16 85:7,13,18 86:20 88:22 89:13 181:19 233:17 256:14 260:5,18	258:22 262:16 267:24 273:1
recommendation 28:23 29:9,11 30:4 36:20 37:17 99:15 101:22 102:6,8 104:9, 12,17 107:24 108:1,15 109:5,11,12,15,19 110:1,3,8,24 111:17 113:5,7,15 119:12,18, 19,20,21,25 120:4,11, 18 121:1,2 122:10,11 123:15,20 124:2 125:18 126:9,19 127:11 133:7, 14,15,24 136:5,16 172:5,14 173:11,19,25 174:5,9,10,16 175:5,8,9 176:15,24 177:25 178:16 179:2,24 182:1 183:12 192:15,18 195:20 197:23 258:3,9 260:17	recounted 246:15 redact 229:5 232:14 redacted 64:11 90:18,19 92:3 246:25 247:11 253:24 254:2 256:11 259:20,23 redaction 186:12 redactions 254:17 256:3,19,23 redesignating 146:7 redone 173:14 reduce 161:10	regard 36:7 39:21 41:5,9 42:14 43:19,24 46:17,21 54:21,24 57:25 61:16, 25 70:15 75:21 80:25 88:15 92:7 94:1,3,11 103:24 104:1,9 110:14 118:18 125:15 126:23 154:1 188:3 207:13 209:11,14 212:1 215:10,21 222:18 230:18 232:11 241:25 247:5,17 253:4 258:3, 10 259:9 260:10,22 262:19 263:17,24 267:12 271:20,24 272:14 273:8,15,17 regarding 18:9,12 19:14 32:14 38:11,16,18,25 39:4,17 45:12 54:13 56:2,16 70:13 81:5,6,7,18 91:22 96:20 97:3,7 98:24 100:19,23 102:24 103:19 105:25 106:9,13 107:16 118:2,6 119:1 120:19 121:25 122:6 123:10 126:24 133:24 142:15 146:12 150:6 155:6 159:21 166:9 174:23 185:24 200:20 234:15 236:21 251:16, 20 252:11,21 255:21	regional 179:14,18 Register 65:23,25 66:8,13 257:11,20 regular 40:16,21,25 58:18 71:4, 8 139:1 267:12 regularize 247:22 regularly 25:15,16,23 39:10 70:9 116:20 151:23 266:17 reiterated 245:16 reject 108:1 109:11,19 rejected 132:25 relate 226:7 related 22:5 28:12,16 45:25 63:19 88:14 89:2,25 114:8 118:13 122:25 127:10,16,18,19 130:3 137:16 139:4 171:6 187:15 188:14 200:19 211:16 219:4 221:18 222:1 226:8,18,21,25 227:12 228:20 231:3,17 241:9,13 243:12 252:8 254:6 265:10 267:20 268:9 272:3,8 relates 58:9 relating 184:5 relation 87:24 relations 23:16 32:12 266:19 relationship 22:17 40:6 250:12
recommendations 53:3 81:4 94:11,14,19 95:19 98:3 105:9 106:9, 14 107:16 109:4 110:21 114:14 115:14,18,21,24 126:25 135:23,25 137:17 139:18,19 146:16 165:23 167:25 175:17 181:11 182:14 196:21 201:4 256:12 258:13 260:2 263:17,23 264:2,4	reference 20:19 169:23 225:22 236:13 239:10 referenced 169:2 171:1 178:22 183:6,16 referencing 150:13,17,19 165:15, 16,19 169:3 225:5 referred 84:7 120:14 183:6,23 referring 19:3 59:22 67:25 70:19 83:6 88:4,7 115:13,16 120:7 143:12 149:18 158:24 159:18 162:9 169:25 174:15 178:19 179:13 192:13 213:18 229:22,23 235:2 236:16 245:21 248:13 250:5 251:10,13 253:16 257:5,8,12,15	refused 270:1 regard 36:7 39:21 41:5,9 42:14 43:19,24 46:17,21 54:21,24 57:25 61:16, 25 70:15 75:21 80:25 88:15 92:7 94:1,3,11 103:24 104:1,9 110:14 118:18 125:15 126:23 154:1 188:3 207:13 209:11,14 212:1 215:10,21 222:18 230:18 232:11 241:25 247:5,17 253:4 258:3, 10 259:9 260:10,22 262:19 263:17,24 267:12 271:20,24 272:14 273:8,15,17 regarding 18:9,12 19:14 32:14 38:11,16,18,25 39:4,17 45:12 54:13 56:2,16 70:13 81:5,6,7,18 91:22 96:20 97:3,7 98:24 100:19,23 102:24 103:19 105:25 106:9,13 107:16 118:2,6 119:1 120:19 121:25 122:6 123:10 126:24 133:24 142:15 146:12 150:6 155:6 159:21 166:9 174:23 185:24 200:20 234:15 236:21 251:16, 20 252:11,21 255:21	reiterated 245:16 reject 108:1 109:11,19 rejected 132:25 relate 226:7 related 22:5 28:12,16 45:25 63:19 88:14 89:2,25 114:8 118:13 122:25 127:10,16,18,19 130:3 137:16 139:4 171:6 187:15 188:14 200:19 211:16 219:4 221:18 222:1 226:8,18,21,25 227:12 228:20 231:3,17 241:9,13 243:12 252:8 254:6 265:10 267:20 268:9 272:3,8 relates 58:9 relating 184:5 relation 87:24 relations 23:16 32:12 266:19 relationship 22:17 40:6 250:12
recommended 174:23 175:19			
reconvened 21:3 80:19 130:24 202:13 228:9 251:1			
record 10:3,14 11:7 14:13,19 19:24 20:23 21:1,5 45:19 55:17 80:17,21 130:22 131:1 144:19 145:2,10 146:15 158:22,25 159:9,18 162:10 176:20 177:6,7 178:6,13 186:17 202:9, 11,15 206:25 211:21 223:18 228:7,11 250:24 251:3 273:23,25			
records			

JAMES D. NEALON - 08/14/2018

i34

relationships 23:23 26:3	repatriating 243:5	representatives 48:22 54:17 77:10 148:7	responses 142:2
relatively 228:23	repeat 53:11 55:6	representing 60:7 92:4 242:20	responsibilities 22:8,24 23:11 24:6 28:7 32:4,9,14 92:25 93:3
release 60:14 265:18,22 273:23	repeatedly 139:24	request 18:12 29:13,24 89:12 90:7 92:3,5,6 173:2 181:9,11 182:7,8	responsibility 23:21 24:8
relevant 25:3 61:23 199:14 200:5	repercussions 179:20	requested 70:18 208:5,13	responsible 23:4 25:3 37:17 43:18 60:11 86:25 87:18,19 89:6 232:23 235:12,18 237:5,23 241:17
relying 144:1	rephrase 12:19 35:6 50:13	requesting 79:23 89:21	restate 142:7 166:5 174:21 178:10 221:15 226:6 247:7
remain 213:5,12	replaced 151:8	requests 182:2,15 194:18	restating 219:25
remember 45:10 59:14,15 89:23 97:5 101:17,23 106:15 107:1 118:20 119:11 131:10 136:2 140:18 141:12 184:23 196:9,13 204:17 209:16 222:1 224:8 255:20 263:21	reply 153:23 154:6,8,9,17,18 155:4 244:13 256:12	required 13:15 210:19	restrictionists 161:5,9
remind 183:20	replying 87:4 254:1	requires 255:16,17	result 136:19
reminds 217:5	report 21:21 27:20,23,25 30:3, 4,7,22,23 31:3 32:1 36:16 78:8,22 80:8 82:24 83:1 84:15 142:12 244:18 252:23 260:16	research 18:19 36:16	resulted 218:11
Renaud 64:24,25 243:16	reported 21:22,23 22:23	residency 269:18	retired 27:17
render 29:6 94:22	reportedly 169:24	resolved 114:11 201:20	retract 193:12
rendering 95:3	reporter 10:4,25 12:9,25 13:10 158:4 232:20	resolves 126:22	retrospect 207:24
renew 42:12	reporting 10:5 28:3	Resources 34:15	return 245:18 269:8
renewal 28:21 29:2,21 30:21 31:6,10 36:12 201:7 208:5	reports 18:20 19:8 42:16,17 63:6 252:10 260:24 261:4 262:1	respective 238:11	revealed 262:12
renewed 28:25 143:20 218:10 219:3	represent 19:19 211:3 212:10 252:3	respond 29:23 124:18 191:10 198:11	revealing 143:3 201:15,24 221:12 242:25 243:1
repackage 254:4,17	representation 193:8	responded 167:22 270:23	reveals 154:9 242:22
repackaged 255:13	representations 194:21 195:1,12 196:16	responding 155:11 170:14 194:18	reverse 270:2
repatriated 208:10 227:20 246:5	representative 28:9 71:25 241:24	response 31:2,5 55:8 87:14 96:24 97:14,16 98:16 99:7,9 103:12,22 106:23 119:11,15,16 122:9 133:1 137:23 166:2 186:4,5,13,15 191:18 192:24	reverted 40:10 55:19,20
			review 15:17 20:4 36:21 37:7, 24 41:21 51:13 52:25

JAMES D. NEALON - 08/14/2018

i35

<p>53:7,22 62:1 63:23 69:11 74:19,21 75:8 85:25 118:7 127:8 134:7 181:12 182:8,23 200:21 216:24,25 231:20 234:13,24 237:17 242:16 243:20 257:4 258:20 269:10</p> <p>reviewed 18:2,5,10,13,16,22 19:12,13 51:17 75:7 153:4 171:23 216:24 235:3</p> <p>reviewing 67:10</p> <p>reviews 74:20</p> <p>revise 172:4</p> <p>revised 260:3</p> <p>revising 36:19</p> <p>revisions 53:3</p> <p>Rezmovic 230:13,14</p> <p>Rezmovic's 230:17</p> <p>Ridiculous 192:24</p> <p>Ries 269:5</p> <p>right 11:10 44:5 50:16 64:18 93:7 130:15 145:19,22, 24 152:15 180:21 212:8 239:18,19 244:12 245:4 268:21</p> <p>rights 32:15</p> <p>Risch 233:20</p> <p>Robert 41:11</p> <p>robust 24:2</p>	<p>role 25:11,14 32:5,16 40:7 41:4,7,8 54:7,9 57:9,19, 25 59:20 68:10,21 81:14 82:5,17,18 83:15 88:13 94:1,3,5 96:8 97:9,11 101:8 123:14 230:17,23 231:2 232:10 241:12,21 266:12 267:12,18 268:13,18 269:2 271:12,15</p> <p>roles 68:23</p> <p>roll 259:23</p> <p>rolling 74:24</p> <p>rollouts 184:6</p> <p>room 146:11 149:25 150:10, 15</p> <p>roughly 38:25 39:18 124:9 203:23 268:24</p> <p>rounds 245:10</p> <p>rules 12:1</p> <p>ruminating 208:18</p> <p>run 100:4 150:22 160:4 228:23</p> <p>run-up 73:21,23</p> <p>running 82:15</p> <p>runs 33:20</p> <p>rushing 250:19</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>S-hole 170:1</p>	<p>S1 244:13,17 248:12</p> <p>Salvador 19:7 74:4 75:8,10,12 110:20 111:8,16 113:1, 4,8,11 114:10,15 118:3 122:14,15,22 123:1,12 124:13 127:6 134:19, 20,24 135:4,10 136:2, 18 173:20 178:21 179:7 195:15 196:12 204:12 205:2 206:3 207:21,25 208:12,15,18 238:21,25 258:4,10 259:24</p> <p>Salvadoran 70:7</p> <p>Salvadorans 68:25</p> <p>Salvadorians 132:5</p> <p>San 134:20,24 135:4,10 136:2</p> <p>Saturday 180:16</p> <p>save 271:9</p> <p>saw 82:3 109:2 111:12 112:17 113:2,3,10,12, 13 118:22 198:25 208:9</p> <p>saying 13:4 95:5 134:9 141:25 249:14</p> <p>says 67:10 84:25 88:3,19 89:8,11 92:2 135:19 183:2 190:9 213:21 215:17 218:24 238:3,8, 15 240:6 244:13 254:4, 21 255:5,14 265:2 269:17</p> <p>schedule 72:22 180:7 181:12,22</p> <p>schedules 75:10 150:22</p> <p>scope 213:4</p>	<p>scratch 44:13 48:2 106:6 151:20</p> <p>screen 30:20,21 180:8 181:22</p> <p>Sec 62:13 85:17</p> <p>second 76:14,15 84:24 143:7, 16 156:23 157:8 184:18,21 187:5 216:23 231:23 232:24 237:10 238:2 244:10,16 255:5 259:6,16 265:2</p> <p>secondly 208:6</p> <p>secretarial 42:11 49:24,25 50:15, 21 51:2 81:15 249:17</p> <p>Secretariat 237:5</p> <p>secretaries 50:1 55:2 163:21,22 164:2,13 168:25 217:20 219:8,10 220:7,8,20</p> <p>Secretary 18:7,9,11 19:13 21:15, 22 22:9,13,22 23:5 25:11,15 26:15 27:24 28:1,4 29:5 37:11,18 42:1,7 44:2,3,9,17 45:3, 4,12 46:17,22 47:5,6,7, 9,14,15,18,21,23 48:6, 12,16,19,24 49:11,12, 15,17 51:19 52:2,3,7, 12,13,15,19 53:9,15 54:11,24 55:3,4,9,13, 14,18,19,20 56:20 57:2, 15,22 60:10,23 61:2,15, 21 62:13,19 63:25 69:7, 8,15,20 70:4,8 71:1,19, 20,22,23 72:17 73:2 74:5,6 75:5,21 76:4,23 77:3 79:5,7,24 80:7 83:25 84:3,21 86:9 89:5 90:11 94:8,9,13,21,25 95:2,13,17,18,19 96:4, 22 97:12,20 98:8,16,21 99:1,19,20 101:25 103:10,22 104:4,13,16, 21,22,24 105:1,2,4,5,7,</p>
---	--	---	---

JAMES D. NEALON - 08/14/2018

i36

10,15,18,23 106:2,4,7, 8,13,17,19,23 107:1,6, 7,10,24,25 108:12 109:12 110:6,7 119:4, 22 120:3,10,14,17,22 121:7 123:3,6,20,21 124:4 125:2,25 127:24 131:21 132:7 133:14 136:16 147:24 148:5,6, 14,16,17 149:1,3,4,7,8, 12,13,16,19,21,25 150:1,4 151:22 152:1,3 153:23 155:4 158:1,6, 15,18,19 159:12,13,20, 21 160:8,13,19 163:5,8, 9,12,20 165:10 166:7,9 168:8 173:14,18 174:8, 9,16,17,22 175:18 177:19,20,24 178:15 179:2 180:7,17 181:21 183:13 185:1,5 190:18, 25 191:2,5,11 192:5,7, 18 194:4,11,19,22 195:2 196:6,10 197:24 198:19,24 201:12 202:21 204:6,9 205:22, 23 206:19 207:3,7,12, 15,20 208:13,21 209:1, 11,13 222:2,6,9 230:15, 16 232:8 233:17,23 234:1 235:6,9 236:20 237:14 239:16 244:18 245:5 247:5,16 248:13 249:5,24 250:7 251:18 252:6,14,16,19 253:3 257:9 261:21 266:16,25 267:11,18,19 268:16, 19,23,25 269:13,21 270:9,21,23	section 232:24 security 17:8 21:15 29:6 63:11 65:12 89:13,15,19,20 90:17 91:6,12,15,19,24 92:12 94:8,22 95:1,2,25 96:11 99:3 103:11 104:4 114:19 115:5 123:17 125:3 128:10 136:7,12,17 149:20,22 158:1 161:15 168:8 183:19 187:13 188:2 203:3 215:3,11 216:10 228:16 233:13 249:15 269:17 270:4 security's 96:4,22 101:25 103:7 158:5 see 59:2 64:23 85:4 87:2,3 90:17 103:8 105:20,22 110:7 112:3,4,20 117:4 130:17 135:24 152:20 161:6 167:8 172:11 181:13 186:4 192:16 215:24 234:8 237:6,23 240:13,22 245:12 247:13 252:12,13,15,18 253:8 256:2 257:4 265:16 seeing 111:7,17 118:9,15 119:18 136:1,2,4 249:14 256:22 265:12 seek 42:13,20 seeking 42:25 48:13 74:11 161:10 163:22 247:16 seeks 61:5 seen 21:7,9 115:9,23 118:1,6 135:15 179:17 181:4 216:13,14,16,17 244:5 267:24 sees 214:24 self-explanatory	89:10 Senate 169:17,22 Senate-confirmed 22:20 82:10 send 30:6,25 192:11 198:7, 20 205:14 228:1 254:22,23 255:8 sender 116:7 senders 117:10 sending 36:19 37:17 43:7,10,11 62:23 63:1 67:11 135:12 181:9 227:12, 18,19 sends 256:10 Senior 155:19,25 156:3 sense 14:7,8,15,16 46:11 47:4 64:12 70:1 101:18 129:10 180:4,10 181:21 195:9 197:1 213:24 217:11 246:18 sent 37:6,7,15 97:18 99:2,11 116:9,10,11 135:5,8,20 194:16 198:16 203:5, 13,16,19,22,24 sentence 136:14 154:16 155:9, 12,18 156:23 169:16 181:7,15 247:9 250:1 260:13,14 270:1 sentiments 196:4,5 separate 96:18 121:5 122:17 180:9 181:9,23 182:15 261:12 separation 216:14 September	60:16 257:3 265:9,18 sequencing 86:19,21 series 51:5 125:14 193:3 238:25 264:15 serious 179:20 serve 82:17 service 211:18 serving 238:17 session 238:19 set 62:10 72:24 187:23 190:8,13 208:11 227:10 setting 187:18 SFRC 136:15 139:22 shape 239:23 share 23:25 66:18,21 67:14 shared 23:18 88:20 101:21 198:15 204:25 sharing 79:14,15 239:13 she's 47:14 61:15 67:25 68:1 shop 23:3 short 44:9 119:3 151:2,5,6,7, 16 195:8 197:6 250:22 shorthand 170:1 show-and-tell 78:3 shows 201:24
---	--	---	--

JAMES D. NEALON - 08/14/2018

i37

shutting 167:20	situation 98:12,23 103:24,25	sorrow 212:12	222:21 224:25 225:1,2,3,7
sic 237:13	situational 73:3 78:4,6	sorry 35:6 38:21 41:16 44:24 45:1 53:11 55:5,7 57:8 67:1,2 69:9 71:7,10 87:5 90:25 94:12 101:1 111:11,12 112:25 113:15 115:14 117:17 128:11 134:9 135:12 139:25 143:11 151:6,20 157:15 158:21 161:2 162:5 166:5 174:21 189:20 193:20 194:10 206:20 208:24 213:19 222:15 226:6 232:21 234:8 243:20 247:7 261:2,18 267:8	speaks 63:18 134:17 195:23
side 121:24	six 74:25 209:4 263:20 264:4		specialists 52:8
Sidley 10:7	six-month 246:10,11		specific 11:21 17:4 31:4 32:8,14 56:1 73:17 75:25 76:5 80:2 88:16 89:2 92:6 98:11 100:21 101:9 102:12 106:11 107:1 114:8 128:23 129:11,20 141:12 165:5 185:24 196:14 215:8 216:3 221:24 226:11 240:22,25 247:2,12,15 262:21 264:4 272:24
sign 15:18 30:5 258:18	skim 184:16 233:10	sort 52:7 63:6 77:22 92:12 95:16 124:20 132:14 184:6 213:10 227:5	specifically 13:16 14:11 24:18 36:22 38:15,20 41:6 43:20 52:12 70:16 74:11 75:23 89:23 91:3 93:2 97:4 101:18 106:2 128:6 133:5 152:4 203:6 211:16 216:3 224:6,8 226:9,13 238:10 257:25 262:19,22 265:15 266:23 273:2,13
signature 53:10 67:15 98:8 173:14	skip 229:25 253:1 260:13	sorts 128:16	specifics 45:10 81:12 101:23 107:19 138:21
signed 37:6 53:24	slightest 25:21	sought 46:19 74:15 139:24 141:18 142:13 164:2,10	speculate 60:6,12,21 61:19 83:8 98:6 181:25 215:15
significant 109:18 234:22 243:9,12	slightly 75:10	sound 80:12	speculating 60:5 250:4
significantly 250:7	slip 80:15	sounds 164:21 165:2 172:25 246:17	speculation 58:11 60:1 61:5 98:5 102:11 107:18 108:18 109:7,23 110:18 136:25 137:11 142:18,24 144:3 147:6 169:9 170:16 171:8 173:7 177:17 180:12 181:18 182:4,11 190:15 191:25 215:14 217:18 218:4,17 219:13 220:11 235:16 237:21 244:20 245:22 250:3 253:18 259:1 260:7
signing 104:24 105:1	slow 95:12	sources 48:14	
signs 53:14 257:9	slower 161:9	South 255:22	
similar 67:19 72:5 75:13,14 97:17 98:23 99:9 181:23 196:5 200:18 236:18	small 52:15	Southcom 31:21 32:2,17,19,21 34:24 185:14	
similarly 75:18 103:6 160:17	Snell 10:21	Southern 31:18 185:2,10	
Simon 97:8	society 42:18 48:25 49:3 69:2 70:20 195:7	speak 63:15 117:24 150:14 183:24 196:22 219:16 225:10	
simple 49:25 181:24 206:13	solicit 133:11	speaking 10:4 13:8 17:23 54:17 70:16,17 101:20 109:8 145:8 178:20 204:17	
simply 49:18 50:15 106:15 197:18 209:16 219:15	solicited 42:3,18		
simultaneously 21:16	soliciting 36:16,17 50:6		
single 177:25 178:16 181:10	solicitous 49:17		
sits 28:2	solution 213:11		
sitting 97:21	somebody 140:24		
	soon 90:2,11 102:9 190:19 203:24 204:2,3		

JAMES D. NEALON - 08/14/2018

i38

speculative 61:18 63:9 65:8,20 67:22 68:3 83:7,12 84:19 85:8,20 104:19 147:9 170:17 172:8,19 183:9 200:11 220:22	176:20 177:5 242:15	126:19,25 127:4,9,10, 15,18,24 133:2,6,13,23 135:2,22 137:2,3,7,13, 17 138:12,21 139:1,9 140:1 141:19 142:15 152:18 153:21 154:14, 22 155:5 158:18 159:12 172:4 173:15,23 174:2, 6,9,13,16,17,23 175:2, 13,16,18,21 176:14,23 177:13,24 178:15 179:3,5 180:18 182:13 183:12 187:7 200:19 201:7 233:23 234:2 235:6 236:20 244:17 253:8 260:1	14,24 219:16,21 220:15,19 221:1,19 222:19 224:5 228:17
spell 11:7	stake 188:14 241:22		statutory 238:13
spend 17:23	stand 210:25		stay 247:21,23 248:10
spoke 100:22 101:2,5,6 103:3 138:25 155:24 158:9 217:13 224:3 269:25	standard 90:1 110:25		stem 198:6
spoken 101:19 196:1 197:11	standing 70:21,25 76:10,15 77:15,16 80:1		step 27:5 97:1 107:13 111:25 199:11 204:8 258:7 263:5
sprint 15:24	stands 84:20 210:14 211:13 235:9 260:8	State's 95:24 97:20 98:16,21 99:1,19 102:5 120:11, 18 180:7 181:11,22 182:8	Stephen 140:23 155:20 156:3,8 224:18,20 225:14
staff 24:8,20,23,25 25:18 26:2,14,15 30:3 42:4, 19,21 43:17,21 48:7,8, 15 49:5 51:7,11 52:4,5, 16,20 58:13,25 61:23 71:3,8,10,11,12,15,20, 21 76:17 77:7 79:3 81:18 86:11,13,14 90:16 91:5 105:14,15 115:8,11,15,22 116:1,2, 10,11 117:13,16 123:25 131:5,13,18 132:13,14 136:15 139:23 148:11 153:24 155:5,21 156:4 160:3,8,18 185:10 193:2 198:21 224:25 225:4,5 230:6,12 232:23 237:6 238:6,7 239:14 248:25 249:6, 12,13,16 261:14,20 268:15 269:12,20	start 75:1 113:21 120:15 122:22 193:18 243:20 253:11	stated 113:6 136:1 138:9,24 142:12 155:12 223:24 248:13	Stoddard 268:11,12
	started 27:16 47:18,23 73:4 95:5 180:22,23,24 182:6	statements 169:12	stopping 202:7
	starts 64:20 143:16 152:17 157:20,24 161:5 169:16,21 186:19 213:15 265:1,2,3	states 27:23 93:20 108:23 161:11 168:21 179:11, 14,21 227:13,24 241:18 243:6,10 245:10 246:25 247:21 248:4,10,12,19 251:15 260:1 269:19	stories 203:8
	starting 35:16 134:24	stating 224:2	story 203:8 213:10
	state 10:8,13 11:6 13:25 18:7,24 19:4,13 25:16 26:4 27:24 28:1,4,22 29:10,12,21 30:6 36:18 42:7,8 61:21 69:5 80:6 88:3,6,9,14 89:9 94:1,3, 6,9,10,13,18,25 95:11, 17,18 96:9,11,12,20 97:3,10,16 98:2 99:25 100:13,18 102:14,23 103:8,14,18,23 104:8, 21 105:4,8,24 106:9,13, 18,22 107:9,12,15,23, 24,25 108:3,5,8,12,16, 22 109:3,10,11,13,18 110:2,9,22 114:25 116:6,16,22 117:2,7,17 119:22 120:3,10,14,25 121:2,13,24 122:5,8,20, 24,25 123:10,16,19,21 124:6,7,9,24 125:17,24	statue 145:7	strangers 117:4,6
Staff's 76:23		status 22:5 28:13,17,21 126:1 162:16 163:1,24 164:20 168:17 200:2 205:8 208:5 217:5 231:16 243:6 247:23 248:11 251:24 252:4	strategy 240:12 265:3
staffed 105:16		statute 108:20,21 143:19 144:1,5,14 145:1,18 146:13 150:6 166:11 168:14 199:5,9,23 205:7 217:16,23 218:1,	Street 10:8
staffers 231:3			strict 143:18 144:5,18 146:4 165:10 199:4 217:12, 15,19,22
staffs 99:10			strictly 166:12 168:14 199:24
stage 94:17 95:17 145:3			strike 173:15
			strong 105:11,17
			strongly 26:23
			structure 36:4
			struggle

JAMES D. NEALON - 08/14/2018

i39

<p>197:3</p> <p>struggling 196:25 197:1 206:10</p> <p>stuck 97:20,23 98:7 99:17</p> <p>Studies 272:7,15,23</p> <p>styles 47:17</p> <p>subject 12:4 58:16 84:14 86:15 87:2,8 128:7 135:18 142:2 180:17 186:21 208:3 222:24 223:1 233:13 241:20 244:15 253:22 265:6,7</p> <p>submit 62:18 94:25</p> <p>submitted 19:15 61:25 63:23</p> <p>subpoena 16:25 17:16 20:20 21:9</p> <p>substantial 48:13</p> <p>substantially 203:25</p> <p>substantive 120:22 122:4,9,24 125:17 126:8,24 127:10,15</p> <p>substitute 132:15</p> <p>succeeded 81:25 151:3</p> <p>successive 218:9 219:2</p> <p>Sudan 18:8 19:14 60:15 80:4 95:23 96:15,21 97:5 102:16 103:25 104:1,9 105:5,9 106:3 107:5 118:13 119:23 120:12, 18,20 121:3,9,25 127:7 174:10 251:20,25 252:8,21,24 253:4,20, 23 255:9,22 257:20 265:19</p>	<p>Sudan's 98:12</p> <p>Sudan/south 255:8</p> <p>Sudanese 118:12</p> <p>suddenly 212:20</p> <p>sufficient 95:14 96:6</p> <p>suggest 13:20 102:4 112:2 141:17 145:12 167:20 176:8,11,12 177:9 181:16 182:13</p> <p>suggested 53:1 147:9</p> <p>suggesting 198:10 258:12 259:3,14</p> <p>suggestive 175:24</p> <p>suggests 144:15,22</p> <p>Sullivan 18:8 19:13 104:14 105:1 174:17</p> <p>Sullivan's 174:10</p> <p>summer 31:22 32:25 33:1</p> <p>support 26:24,25</p> <p>supporting 60:25 61:12,14,19 210:18</p> <p>supports 77:3</p> <p>suppose 172:20 214:18</p> <p>supposed 66:9 94:20,22 95:6</p> <p>sure 11:8 18:18 22:12 38:1 56:17 76:20 77:5 78:20 108:13 138:5 142:20 144:19 153:6 154:12</p>	<p>157:15 159:17 174:18 177:7 178:6 185:19 193:7 212:14 223:3 233:25 234:20 239:8 240:13 244:4 265:23 273:22</p> <p>surely 192:18</p> <p>surname 103:2</p> <p>surrogate 241:24</p> <p>surrounding 107:4 263:22</p> <p>suspect 142:12</p> <p>swap 254:24</p> <p>swapping 255:21</p> <p>swear 10:25</p> <p>Swiss 64:11</p> <p>sworn 11:2</p> <p>sympathetic 248:2,4</p> <p>Syria 122:16 126:23 127:1,5</p> <p>system 134:21,22 135:18</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>T-a-m-a-r-a 103:1</p> <p>T-o-m-a-s-u-l-o 92:21</p> <p>tab 20:18</p> <p>table 78:21</p> <p>Tahani 10:22</p>	<p>take 10:9 20:14 21:18 22:24 40:9 53:23 63:17 72:20 76:11 79:19,20 80:11 130:14,15,16,18 150:9 152:25 212:6 228:2 234:23 246:1 250:15, 20,22 257:4 260:3 268:8</p> <p>taken 12:25 16:8 156:22 168:10,25 206:17 221:12 272:25</p> <p>takes 239:15 258:17,20</p> <p>talk 38:2,21 163:14 262:7</p> <p>talked 17:17 36:3 168:12 174:1 185:4 195:3 199:2 216:10,12 258:14</p> <p>talking 50:6 89:1,6 96:20 120:6,7 126:1 133:5 138:22 207:25 223:25 237:8 263:12 265:25</p> <p>talks 142:3 239:4</p> <p>Tamara 103:1,12</p> <p>tasked 52:12,20 73:5</p> <p>tasks 87:17,18</p> <p>taxes 227:14</p> <p>Taylor 152:2 266:13,14</p> <p>team 52:3 83:9,11,23 84:7,9, 12 91:22 92:1</p> <p>teams 78:22</p> <p>technical 51:20</p> <p>Tegucigalpa 136:4</p>
---	---	---	---

JAMES D. NEALON - 08/14/2018

i40

telephone 244:18	88:11 89:22 94:6,23 129:3,22 140:3 175:10 195:14 214:1,5,24 217:4 224:1,14 243:13 263:3,7,18,19,24 264:5 265:19	185:19 186:10,12 202:4 215:4 231:23 236:10 239:10,19 241:2 247:9 251:16 256:18 257:9 258:16,20 264:14,19 273:22	268:21
tell 12:10 21:12 41:6 84:9 90:10 117:11 263:8,10			thinks 215:16
telling 155:22 204:15	terminations 17:14	they'll 40:19	third 249:20,21 265:3
temporal 164:15 165:11 166:10 168:16 200:1 213:4	terms 37:16 43:15 100:16 105:17 108:20 124:11, 25 126:7 128:7 138:8 156:21 162:2 166:2,21 168:2 184:5 201:25 226:10 238:16 250:18	they're 37:16 47:15 133:8,10 257:14	thorough 234:13
temporally 163:24		thing 35:24 63:6 74:24 133:15 152:15 172:13 173:16 184:7 191:6,8 259:19	thought 30:16 61:23 101:14 111:15 113:6 124:23 141:10 191:21 197:19 206:12 227:10,17
temporary 22:5 28:13,17,21 126:1 161:11,16,25 162:15 163:1,23 164:15,19 168:17 200:1 205:7,8 208:5 217:5,6 231:15 251:24 252:4	terrible 25:5	things 24:10 30:18 51:11 78:5 87:22 128:16 132:16 142:19 162:22 165:8 168:24 185:4 196:3 200:4 215:8 216:18 224:22 241:17 245:11 249:16,25 256:24 261:12	thoughts 205:1 206:6
tend 40:20	testified 11:3 137:21 144:20 191:25		thousands 147:11,12 269:13,19
tended 132:16	Testify 20:21		thread 162:8
tendency 13:2	testifying 12:5 37:2 64:16 170:11 195:17 196:21 209:7 214:8 236:6 256:21 258:25	think 19:2 25:6 45:19,20 48:5,11 49:14 50:14 52:9 59:21 65:17 80:11 81:13 83:13 87:4 89:9 92:10 111:13 114:1 120:14 127:3,21 131:8, 10,16 132:21 134:15 141:2 153:3 155:10 159:9 162:10 171:21 173:8,16 174:1 177:6 181:19 182:19,22 183:14 184:15 186:6 189:9 193:1 195:23 198:8 199:10,14 202:6 205:20 206:9,13 208:8 210:13,23 211:12 212:3 213:11,17,24 214:17 215:2,4,6 216:17,24 219:15 220:23 221:1,2 224:5 230:3 231:12 232:6 236:7,8 240:2 245:8,21 250:16,18 255:8 262:24 266:7 267:9 269:25 273:20	three 23:10 27:17 47:1 64:23 69:22 72:15 80:5 84:24 135:21 139:10 140:3 148:18,24 164:13 207:22 238:18 250:10 264:23 265:5,8 272:14
tens 269:18	testimony 12:3 16:6,10 18:3 131:9 137:21 138:4 144:23 170:10 173:6 183:23 219:13,24,25		three-week 33:2
tenure 38:4 42:1 44:9 55:10 94:10,12 106:23 127:8 129:7 133:21 151:21 163:4,8,13,22 185:23 208:22 209:1 210:2	thank 11:14 14:17 15:2 19:9 20:3 31:13 35:14,19 67:10 88:1 148:12 159:1 162:12 168:5 171:12,15 174:20 188:12 189:2 193:13 203:10 221:14 223:21 226:6 229:2 232:16 243:14 254:15 256:25 261:3 262:13		Thursday 64:4
term 51:20 60:18 68:16 86:18 244:21,23			tick-tock 86:16,18 87:3,9
terminate 136:18 179:3 207:8 210:1 212:25 219:1 246:9,14 261:5 263:13	thanks 213:19 249:22 256:12		Tidd 185:1,6
terminated 60:15 128:12,20 199:16 242:1 243:9 246:20	there's 14:2 15:22 18:20 50:3,5 62:10 64:10,20 82:9 116:5,12 119:14 135:17 161:4 177:19 181:7		tied 145:22 215:22 218:23 219:6,9 247:2,12
terminating 145:21 168:21,23 198:3			ties 205:13
termination 29:7 36:12 69:17 87:25		thinking 75:1 91:23 132:9	till 157:17
			Tillerson 18:9 105:2 155:21 156:25 158:1,5,9,16,18 159:13,20 173:18 174:17,23 175:18 179:3 260:17

JAMES D. NEALON - 08/14/2018

i41

<p>Tillerson's 136:16 153:22 174:8</p> <p>time 10:6 13:8 15:21,24 20:25 21:4 24:9 27:10 30:13 31:19 34:21 35:4, 9,12 36:23 38:11 40:4 44:19 47:3 48:1,6,7 57:5 60:3 65:11 69:15 70:11 74:22 75:4,6,17, 18 76:6 80:5,13,16,20 82:12 83:3,13 84:1 85:24 87:13 95:3,14 96:6 100:2 106:17,19 107:2,8,10 118:8 119:3 121:6 126:22 128:9,18 130:21,25 132:8 138:7 140:12,18 141:16 143:24 144:4 148:8 149:5,12,19,21 150:21 151:17 153:1 159:25 160:19 161:9,13 162:13 171:20 172:3,21,22 177:12,13 180:8,10,21 181:22 182:6 185:2 192:17 200:9 202:10,14 204:12 205:2 207:15 208:7 209:12 217:14 220:12 221:17 228:5,6, 10 231:5,22 233:2,24 244:2,7,25 245:4,5 247:2,4,12,17 249:6 250:14,23 251:2 252:15 256:9 260:11 261:6 265:7 266:15 267:17 268:5,19 270:10 273:24</p> <p>timeline 70:10 207:17</p> <p>timelines 54:1 184:6 190:17</p> <p>timeliness 99:1 106:22 107:5 122:8</p> <p>timely 95:1 97:19 102:2,15 103:9 253:3</p> <p>times 31:6 39:19 71:4 73:15 74:20 75:3 76:17 123:9 141:5 180:9 181:23 226:17 244:1</p>	<p>timestamps 244:7</p> <p>timing 110:18 130:17 149:18 171:14 226:16,20</p> <p>title 56:25 83:19,21 92:22 101:9</p> <p>today 12:3 16:6,14,22,23 17:21 18:3 64:14 76:25 183:4 217:13</p> <p>today's 10:5 16:20</p> <p>told 66:6 156:11,14 158:1,5, 9 159:3,19 160:17 183:2 203:4,21 224:8, 23 225:9,13 245:25 249:16</p> <p>Tom 241:5 270:4,6,8</p> <p>Tomasulo 92:19,21 184:3,4</p> <p>top 134:17 155:21 156:24 183:1,11 187:6 216:23, 25 234:12 240:17</p> <p>topic 212:15 223:9</p> <p>touch 38:12 123:24 184:4 248:7</p> <p>touched 137:14</p> <p>town 71:2,19 79:4</p> <p>TP 126:18</p> <p>TPS 17:9,14 18:8,9,12,20,21 24:10,13,16,22 28:24 29:2,7,22 30:11,13,14, 15 31:6 32:16 33:6,15, 24 34:22 35:4,9,12 36:7,12,15 37:24 38:5, 11,17,18,20,21,22,25 39:4,11,15,17,21 40:13</p>	<p>41:1,3,5,9,22,23 42:3,4, 12,14 43:4,19,24 44:8, 16,18,22 45:2,9,13 46:18,20,23 47:2,10,13, 20,24 48:1,4,9,15,20,23 49:1,4,12,19 50:9,17,20 52:25 54:8,13,19,21,25 55:23,25 56:1,3,6,8,16 57:9,12 58:1,16,18,22 59:10,17,24 60:2,15,20 61:16 63:19 68:8,11,22, 25 69:4,8,11,18 70:10, 13,15 73:9,13,16,24 74:7,19,21,24 75:7,22 76:3,18 77:6 78:25 79:2,9 80:1 81:1,5,6,8, 9,14,19 85:1 86:16,22 87:3,8,25 88:10,14,15, 16,18 89:21 90:1,4,15 91:8,11,18,22 92:6,7,11 93:12,16 94:1,4,7,14,23 96:14,18 97:7 98:3,12, 16,22 99:15 100:14,19, 21 101:22 102:6,24 103:3,19,23 105:5,25 106:10 107:16 109:5 110:12,14 112:5,11 114:22 115:18 118:2,7, 23 119:1,23 120:12,18 121:3 122:6 123:1,11, 17 124:12 125:18 126:9,19 127:8,16 128:11,19 129:3,6,22, 24 130:4 131:6,14,18, 22 132:1,10 133:6,7,24 135:23 136:18 137:17 138:12,20 139:1,11,14 140:3 141:11,13 142:15 143:19,20,25 145:21 146:2,7,13,18 147:1,20, 21,24 150:6,25 151:18 152:5 155:6,22 156:4, 25 158:7,9,16 159:14, 21 160:1,9,20 161:15 162:1,13,24 163:17,18, 19 164:16,19 165:10 166:9,10,11 168:4,9,12, 13,16,21,24 169:7 171:6 172:5,12,14 173:19 174:24 175:10 176:25 177:15,25 178:16 179:3 180:18 181:12 182:2,14 183:12,18 184:2,5 185:6,16,23,24 186:21</p>	<p>187:16 188:3,15,17 190:18 192:19 194:6,9 195:14 196:11 197:12, 16 198:7 199:5,9,15 200:8,13,20 201:7 202:22 204:10 205:1 206:2 207:8,17 208:23 209:2 210:1 211:24,25 212:1,25 213:22 214:2, 6,14,24 215:12,24 216:3,17,21 217:7,16, 21 218:1,10,14,24 219:3,10,21 220:14,19 221:19 222:19 224:1, 12,15 225:11,15,20 226:1,8,14,18,22 227:1 228:17,21 229:18 230:18,24 231:4,8 232:11 235:7,10 236:13,21 238:13 240:12 241:9,13,16,19, 22,25 243:8,9,13 244:15 245:9,11,17,24 246:10,20 247:1,5,12, 17 249:18 251:16,20 252:11 253:4,20,23 255:8,21 257:9 258:3, 15 259:23 260:10,22,25 261:5 262:2,9,16,19 263:3,7,17,18,22,24 265:7,19 266:18,21 267:1,12,23 268:3,9 269:2 270:10,24 271:13,16,24 272:3,8, 12 273:1,4,12</p> <p>TPS-RELATED 151:23</p> <p>TPS.RADOPS 234:6</p> <p>TPS.RADOPS. 234:6</p> <p>TPSP/SCO 85:16,18</p> <p>Tracy 64:24,25 151:2,5,6,7 243:16</p> <p>trade 84:2,3 187:3</p> <p>training 35:21 36:1,2,6</p> <p>trans-border</p>
--	--	---	--

JAMES D. NEALON - 08/14/2018

i42

92:24 transcript 15:16 210:24 232:18 transferred 258:19 transmits 53:24 transmitted 53:8 travel 190:4 245:18 246:2 travelers 24:1 traveling 160:5 treat 75:17 179:18,19 182:14 treated 75:16 treating 179:8 tremendous 109:9 195:4 Triangle 179:15 tried 71:16 195:21 205:5 261:14,20 269:12 true 64:13 Trump 143:17 155:19,25 156:2 169:24 216:1 trusts 249:24 truth 12:11,12 truthful 16:6,10,14 try 13:10 80:14 131:10 181:21 195:25 196:2 198:13 199:11 223:22 228:3,4,22 264:22	trying 126:12 133:19 153:1 165:4 213:7 224:5 239:8,23 250:13,18 255:5 259:7 turn 64:17 143:7 152:16 167:16 190:1 212:16 216:23 231:23 turning 70:12,14 twice 31:10 71:14 two 23:9 32:22 59:14,15 70:3 72:15 76:10 86:6 125:24 130:6 143:8,12 149:9 157:14 158:8 182:22 190:9,10 207:13 208:4 216:25 228:2 230:8 232:22,25 234:4 245:11 258:13 two-fold 217:4 two-minute 130:16 type 65:18 74:10 76:15 112:3 typed 15:15 types 216:15 typical 13:19 72:23 typically 31:2 36:14 53:23 57:14 69:10,14 88:25 93:8 109:3,20 177:14 252:11,12,13,18 <hr/> U <hr/> U.S. 26:12 28:10,22 31:18 32:23 34:16 35:1 43:5,8 75:13,15 87:24 116:17 128:15 134:18 135:21 139:10,13 140:11	185:2,3,10 205:15 213:6,7 Uh-huh 81:16 82:17 ultimate 217:20 ultimately 15:18 74:15,16 89:6 104:7,8 174:23 175:18 206:17 210:2 Um 26:20 43:1,20 51:15 65:22 71:20 80:2 142:19 172:9,20 198:16 210:3 252:12,18 261:11 Um-hmm 130:7 um-hum 13:2 77:19 107:3 115:10 147:16 204:20 206:15 unable 16:5 104:23 unclear 68:14 underneath 43:17 undersecretaries 71:24 72:11,12,13 undersecretary 21:17 22:10,19,21,25 55:21 72:10 82:9,10,13 268:6 understand 12:7,13,18,21,22 13:5, 22 15:4,25 16:16 36:14 41:8 49:23 50:12 56:19, 21 57:6,8,19,23 60:18 65:5,13 66:8,14 67:16 82:11 102:2 125:6,23 130:12 138:5 139:13 153:25 155:13 164:22 177:2 183:5 187:15 190:24 211:17,22 216:2 217:11 218:7 219:18 227:18 242:9 244:24 253:15 259:7 263:6,11 267:11 271:12	understanding 36:25 37:4,9,12,21 41:18,21 46:16 47:19, 24,25 48:4 51:21,23 61:13 63:8 66:11,12,16, 17 75:11 82:7,8 94:2,5 126:20 133:20 137:8 143:24 153:8 171:2 172:1 177:18 179:22 190:12 191:20 192:23 200:7 205:22,24 206:5 217:14 218:9,13,18 220:14 221:11 223:1 238:20 246:8 250:6 254:5 understood 82:4 87:16 114:12 174:15 178:7 187:22 198:1,4 249:9 unequivocally 224:3 unfortunate 208:1 unfortunately 265:25 uniformly 139:11,14 Union 23:25 unique 197:15 unit 68:17 United 27:23 93:20 108:23 161:11 168:20 179:11, 14,21 227:13,24 241:18 243:5,10 247:21 248:3, 10,19 251:15 269:19 units 72:7 universe 247:1,11 unleashed 212:20 unnatural 114:17 untold
--	--	---	--

JAMES D. NEALON - 08/14/2018

i43

213:10		view	173:13 174:18 176:6,7, 9 177:7 178:6,11
unusual	V	144:6 166:3 199:4	185:19 186:16 189:7,13
173:15		217:12,16,19 220:24,25	193:6,7 196:22 202:23
upcoming	vacant	242:10,13,17	215:15 223:3,17 224:2, 12 232:22 242:3
181:12 235:7 265:7	82:11	viewpoint	243:19,24 248:6 249:1
update	vague	218:20	250:16 254:13 266:7,9
233:9,15 234:5,14	31:11 49:21 50:11,25	views	wanted
236:11 246:6	51:1,4 53:17 68:13	175:2,13,21 176:6,8,9, 21,23 177:10 215:3	36:10 59:1 69:3 81:17
updated	69:12 70:23 95:20	271:19	105:20 117:19 131:21
254:22 255:8,12,16	98:13 109:7,22 110:15, 17 112:7,8 120:5	violated	132:6,22 186:10 195:7, 25 196:2 202:18 204:23
updates	149:18 178:18 181:5	161:12	251:19 253:8
79:22	194:24 200:10 213:3	violence	wants
upstairs	218:5 241:14 264:1	208:8	79:5 245:19
151:15	variety	visibility	warranted
urgency	68:23	48:19 49:11 137:3	158:8
190:13	various	visible	Washington
Uruguay	48:13 50:1 55:1 59:20	259:21	22:2 31:1 34:16 70:8
33:21	77:12 108:4 207:17	voice	152:12 200:17 209:22
USCIS	209:17 228:20 263:16	63:15	261:13,19
18:21 36:14,17,23 37:5, 6,14,15,24 38:3,11,13, 16,18 40:8 41:18 42:8	vary	volumes	wasn't
50:20 53:2,6,8,12,14,23	69:24	195:5	17:4 38:5 77:5 85:12
60:12 61:22 67:17,23	Vaughn	voraciously	92:1 159:4 205:19
77:11 82:5,6,18 83:14, 16 85:2 182:2,9 192:2, 4,11 207:3 235:4,5	273:18	42:16 194:7	208:2 267:1
238:3,21 252:10 254:7	verbal	VP	way
255:8 258:3,9,18,23	49:17	248:21	23:1 36:11 45:6 48:17
259:8 265:17,24 266:9	verbalize	VTEL	49:15 56:5 58:15 75:13
268:10,17	13:1,4	244:13,16,21	94:20 95:2,5,10 96:2
USCIS'S	versa	W	109:24 115:1 116:5,12, 13,15 124:18 131:25
190:23 191:3 253:20	132:17		132:8 137:8 155:15
USCIS_RFPD_	version	wait	163:15 166:12 167:8
00000055	262:25	13:10 260:1,2	168:15 171:6 177:9
233:6	versus	waiting	180:11 197:17 199:3
use	10:10 16:17 17:11	80:5	216:2 217:25 223:6,15
68:17 146:4 170:13	vetted	walk	226:2 239:24 248:11
197:7	99:20	41:20,24 127:2	254:10 267:23
useful	vice	wall	ways
206:13	132:17 248:22	216:12	46:3 224:10 247:22
user	video	want	we'd
62:17	10:3 244:22	11:13 14:22 39:20	40:3 260:2
usually	VIDEOGRAPHER	40:15 62:17 70:8 85:2	we'll
71:14,23 72:19 77:22	10:2,24 20:25 21:4	87:11 130:18 142:7	15:24 34:19 41:17
239:21 252:5	202:10,14 228:6,10	144:19,20 145:1,10	45:23 58:3 67:13 76:10
	250:23 251:2 273:24	146:14 153:6 154:12	80:11 93:25 111:25
	videotaped	157:18 158:23 159:17	130:13 134:8 152:9
	10:9	167:17,20,22 172:25	171:11 184:9 193:18,19
			232:19 260:14 262:24
			266:2 271:9 273:23

JAMES D. NEALON - 08/14/2018

i44

<p>we're 45:19 158:24 207:6 228:10 232:17 240:13 250:16,23 251:3 256:8 265:15,25 269:8 273:20,24</p> <p>we've 50:4 162:7 168:12 174:1 216:13,14,16,17 236:2 253:5 264:9 267:23</p> <p>Wednesday 254:22</p> <p>weed 195:9</p> <p>week 39:19 69:21 70:2 71:4, 14,17 76:17 77:18 78:11 79:8 207:9 209:10</p> <p>weeks 27:17 47:1 70:3 148:24 155:19 196:18 238:18 250:10</p> <p>weeks' 80:5</p> <p>weigh 28:23 29:4,9,13,21 112:5,11 164:24</p> <p>weighed 110:13 111:2 112:14 164:23</p> <p>weight 109:9,16 133:12</p> <p>Welch 10:5</p> <p>welcome 14:20 15:3</p> <p>went 28:20 44:6 48:20 57:2 63:20 83:14,16 99:20 108:1 145:19 168:3 198:18,23 200:15 218:20 252:14,16,19</p> <p>Western 28:4 29:16,18 30:25 31:3 88:3,5 108:8 110:1 123:4,6 124:1 127:24 133:18</p>	<p>WH 248:14,25</p> <p>what's 59:20 76:25 84:1 92:20 178:24 192:13</p> <p>White 44:6 48:8 89:16,24 90:3 91:7,10,18,21 139:23 140:5 141:17 142:13 157:16 160:3,7 169:11, 16,22 183:17 184:2 203:5,6,14,16,20,22,24 222:12,13,16,17,20,22, 25 223:25 224:11,13,16 248:15 249:6,12 260:19,25 261:4,14,20 262:2,8,15,18 269:11, 20 270:4,24</p> <p>who's 60:10 100:1 103:1 241:5</p> <p>wide 43:15 194:6</p> <p>widely 77:9,21 194:7</p> <p>willing 202:1</p> <p>window 29:9 69:17 200:13</p> <p>withdraw 261:23</p> <p>withdrawn 257:21,24 258:1</p> <p>withholding 90:20,23</p> <p>witness 10:25 15:2 19:1,6 76:12 146:19 159:1 162:12 168:5 174:20 178:9 188:12 189:12 203:4 206:20 207:4 211:6 213:19 221:14 223:12, 21 226:6 242:8 254:15 262:13 271:5</p> <p>Wolf 86:12 155:21 156:4,8, 17,18 225:6,8,9,10,13 226:7</p>	<p>Wolfe 225:24</p> <p>woman 103:1</p> <p>won 212:4 217:16</p> <p>won't 34:19 140:18 156:1,2 189:23</p> <p>wonder 58:8 251:8 254:19 271:20</p> <p>wonderful 27:18</p> <p>wondering 178:4</p> <p>word 50:25 147:8 197:1</p> <p>words 25:22 43:6 59:18 87:3 111:6 117:22 146:21 158:23 172:25 183:25 195:18 196:23 198:11 209:9 211:19 214:10 248:6</p> <p>work 27:8 61:9 76:13 94:21 95:6 109:25 190:8 245:4,17 249:12</p> <p>worked 24:17,18,21 34:15 40:4, 5 83:17 95:10 133:16 237:13 249:11</p> <p>workforce 243:11</p> <p>working 36:22 44:24 142:11 227:21,22 248:25</p> <p>works 86:10 147:15 187:2</p> <p>world 73:4 114:20</p> <p>worry 237:25</p> <p>worth 85:1</p>	<p>wouldn't 116:11 131:25 132:2,25 136:13 173:15 183:3 215:15 252:13 268:8</p> <p>write 30:3 108:12 192:9,23 194:8,11 195:7,21 197:6 204:7,12 205:21 212:17 213:13 214:4</p> <p>writes 67:11 191:23</p> <p>writing 197:10 204:25 206:6 226:25 227:7</p> <p>written 42:3,9 49:2 50:4 172:22 181:9 194:1 196:7 203:25 204:1,2 206:1 213:25 227:5</p> <p>wrong 243:21 246:18</p> <p>wrote 18:11 93:5 197:13 209:23 212:17,18 217:15</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yeah 25:9 41:24 50:14 51:12 52:8 67:5 107:19 108:19 112:9 119:17 121:4 123:2 125:19 127:13 142:8,9 147:13 152:25 165:2 169:10 171:9 184:7,15 186:5 189:6 210:12 213:5 215:6,15 239:7 244:21 264:19</p> <p>year 31:24 34:8 135:3,6</p> <p>years 32:24 33:12,22 34:5,12, 17 124:10 147:12 168:18 205:12 212:4,19 214:18 227:14</p> <p>yes-no 61:11</p> <p>yes-or-no</p>
--	--	---	---

JAMES D. NEALON - 08/14/2018

i45

142:6 156:19 157:4
176:2

yesterday

17:22 20:6

you'd

130:15 157:13 190:22
206:1

you'll

12:16

you're

12:3 13:4,18 14:20,25
16:5 23:8 42:21 56:10,
14 63:3 65:18 75:20
79:21 83:19 91:6,23
92:4 102:18 117:15
120:6 122:18 125:6
134:10 137:14 143:12
149:18 154:5 156:7
157:4,16 158:23
159:11,18 162:9 164:5
165:4,15 173:9 174:18
178:12 190:21 192:13
195:20 202:24 229:22
232:14 244:12 249:14
259:3,14

you've

11:24 13:10 15:7
173:24 182:21,22 197:9
199:7,8,13 215:20,23
224:9

Z

Z-a-d-r-o-z-n-y

140:25

Zadrozny

140:24

zones

244:2,7